



# **Burlington City Council Meeting**

## **July 15, 2014**

**Municipal Building Council Chamber**

**7:00 p.m.**

---

**CALL TO ORDER:** Mayor Ronnie Wall

**INVOCATION:** Councilmember Bob Ward

**RECOGNITIONS:**

- Eagle Scouts – Assisted by Alamance District Director, Mr. Christopher McKnight and Alamance District Eagle Board Chairman, Mr. Tom Steele
- Outgoing Boards and Commission Members

**CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST:** City Clerk Renee Ward

**APPROVAL OF MINUTES:** June 17, 2014 – City Council Meeting

**ADOPTION OF AGENDA**

**CONSENT AGENDA:**

**ITEM 1:**

**A.** To adopt an ordinance approving the following Traffic Commission recommendations:

- To approve a 50 foot Loading Zone on the northeast side of East Market Street from a point 155 feet southeast from the centerline of North Main Street to a point 205 from the same.
- To approve a 25 mph speed limit for Harriet Drive.
- To approve a 25 mph speed limit for Hillcrest Avenue.
- To change the existing 1 hour parking to 2 hour parking for South Main Street from Maple Avenue to Front Street.
- To approve Stop signs at the following locations:
  - Armfield Avenue western approach to Charlotte Lane
  - Charlotte Lane southern approach to Bedford Street
- To approve Yield signs to be changed to Stop signs at the following locations:
  - Truitt Street southwestern approach to Forestdale Drive
  - Bedford Street southwestern approach to Forestdale Drive
  - Amherst Avenue northern approach to South Fairway Drive
  - Northern leg of Fox Run Road southwest approach to Keogh Street
  - Dorsett Street southern approach to Hawthorne Lane

- B.** To approve the following City of Burlington mission statement to be used as part of operations:

*“The City of Burlington is dedicated to providing high quality municipal services within our diverse community in a friendly, professional and efficient manner in order to promote the safety, health, and quality of life of residents and employees.”*

- C.** To reschedule the August 5, 2014, City Council meeting to August 4, 2014, and to cancel the August 4, 2014, work session due to National Night Out activities.
- D.** To approve an agreement with the City of Burlington and Alley, Williams, Carmen and King, Inc., for inspection and plan review services on an as needed basis.
- E.** To approve the 2014-15 Community Housing Development (CHDO) Agreement between the City of Burlington and Alamance County Community Services Agency, Inc.
- F.** To adopt a resolution authorizing the filing of applications with the Federal Transit Administration.
- G.** To approve an addendum to the contract between the City of Burlington and Mobility Solutions Unlimited LLC, to provide for planning and administration services for the recently approved transit system.
- H.** To authorize a settlement claim to Clifton and Shirley King in the amount of \$25,000.00 for wrongful entry of a residence.
- I.** To approve a final plat for New Covenant United Holy Church. The property is located north of Apple Street as shown on plans by Donald E. Robinson land Surveying dated May 27, 2014, and containing two lots.
- J.** To approve a final plat for Holly Hill Mall, LLC. The property is located west of Huffman Mill Road and north of Ann Elizabeth Drive as shown on plans by Triad Land Surveying dated May 13, 2014, and contains one lot.

- K.** Budget Amendment 2015-1 – CDBG – HOME Program – Loan Repayments

BA2015-1

Increase Revenues:

555-33611-0000	HOME Program Funds City	\$ 26,000
----------------	-------------------------	-----------

Increase Expenditures:

555-50014-6910	Homeowner Housing Rehab City 2014	\$ 26,000
----------------	-----------------------------------	-----------

**L. Budget Amendment 2015-4-Recreation-PTCOG and MIPPA Outreach Funding**

BA2015-4

Increase Revenues:

010-33400-6260	PTCOG Grants	\$500
----------------	--------------	-------

Increase Expenditures:

010-62626-3300	Departmental Supplies	\$500
----------------	-----------------------	-------

**M. Budget Amendment 2015-5-RICO Appropriations**

BA2015-5

Increase Revenues:

013-39398-0000	Appropriated Fund Balance	\$ 93,980
----------------	---------------------------	-----------

Increase Expenditures:

013-52520-1100	Telephone	\$ 2,880
013-52520-1401	Training	11,340
013-52520-1500	Maint/Repair Bldg & Grounds	26,200
013-52520-1900	Professional Services	6,000
013-52520-3300	Supplies	16,425
013-52520-3390	Equipment not Capitalized	24,135
013-52520-7400	Equipment	7,000

**N. Budget Amendment - 2015-6 – 2013-2014 Projects Carried Forward**

BA2015-6

GENERAL FUND

Increase Revenues:

010-39398-0001	Approp. Restr. Fund Balance	\$1,063,700
----------------	-----------------------------	-------------

Increase Expenditures:

Planning

010-49491-1900	Professional Services	\$ 53,820
----------------	-----------------------	-----------

Police – Animal Services - Shelter

010-51522-7400	Equipment	36,166
----------------	-----------	--------

Public Works – Maintenance – Paved Streets

010-56562-4510	Contracted Debris Removal	98,000
010-56562-7301	Resurfacing/Patching	849,905
010-56562-7302	Sidewalk Construction	3,309
010-56562-7304	Intersection Improvements	22,500

WATER & SEWER FUND

Increase Revenues:

030-39398-0002	Approp. Restr. Fund Balance	\$1,684,951
----------------	-----------------------------	-------------

Increase Expenditures:

Water Line Maint/Repair		
030-72702-7500	Construction in Progress	\$ 48,683
Sewer Line Maint/Repair		
030-73703-7400	Equipment	46,383
Water Line Service & Construction		
030-74704-1900	Consultant Services Water	61,094
Sewer Line Service & Construction		
030-75705-1900	Professional Services	69,147
030-75705-7300	Capital Other Improvements	1,215,534
Ed Thomas Water Plant		
030-83803-1900	Professional Services	45,797
030-83803-7200	Buildings	17,363
MacIntosh Water Plant		
030-84804-7200	Buildings	23,875
South Burlington Waste Treatment Plant		
030-85805-7200	Buildings	84,000
Water & Sewer – Plant Maintenance		
030-86806-7200	Buildings	73,075

FIRE – STATION No. 6

Decrease Expenses:

453-50000-1900	Professional Services	\$272,980
----------------	-----------------------	-----------

Increase Expenses:

453-60000-7200	Buildings	\$272,980
----------------	-----------	-----------

WHITE'S KENNEL SEWER LINE

Increase Revenues:

038-39000-0000	Appr. Fund Bal. Sewer Cap Res	\$ 39,479
635-38000-0038	Oper. Trans In White's Kennel	39,479

Increase Expenditures:

038-70000-9106	Oper. Trans Out Sewer Cap Res	\$ 39,479
635-60001-7300	White's Kennel Sewer Line	39,479

**UNFINISHED BUSINESS:**

2. A public hearing has been continued to consider a rezoning from R-15 Residential District to CB-Conditional Business District for the use of a Unified Business Development and CO&I Conditional Office and Institutional District for uses specified from the table of permitted uses under Office and Institutional zoning with the exception of boarding houses and veterinary offices. The property is located east of University Drive, south of South Church Street and west of Huffman Lane as shown on Alamance County plat book 76, page 238. An invalid protest petition has been received. (Continued from June 17, 2014)



## **PUBLIC HEARINGS:**

3. A public hearing has been scheduled to consider amending Zoning Ordinance Text Section 32.9, Table of Permitted Uses and 32.13, Special Use Regulations.
4. A public hearing has been scheduled to consider a request to permanently close Hensley Street between Carriage Loop to the end.
5. A public hearing has been scheduled to consider an economic development project agreement with CS Carolina, Inc.

## **NEW BUSINESS:**

6. City Council will consider temporarily closing the following streets on September 27, 2014, from 8:00am until 12 midnight for the Rusted Bucket's 4<sup>th</sup> annual downtown fundraising event.
  - Davis Street from Spring Street to Worth Street
  - Main Street from Maple Avenue to Front Street
7. City Council will consider approving an amendment to the contract for professional services between the City of Burlington and Kimley-Horn and Associates for the Haw River Interceptor for additional field and design work and Construction Administration and to approve Budget Amendment 2015-3-Haw River Interceptor- Amendment 2.

### **BA2015-3**

#### **Increase Revenues:**

030-39398-0000	Appropriated Fund Balance	\$85,013
----------------	---------------------------	----------

#### **Increase Expenditures:**

030-75705-1900	Professional Services	\$85,013
----------------	-----------------------	----------

8. City Council will consider awarding a contract to Park Construction of NC, Inc, in the amount of \$2,861,178.13 for the Little Alamance Creek Outfall Sewer Rehabilitation project and to approve Budget Amendment 2015-2 – Haw River Interceptor- Phase 1.

### **BA2015-2**

#### **Increase Revenues:**

030-39398-0000	Appropriated Fund Balance	\$361,179
----------------	---------------------------	-----------

#### **Increase Expenditures:**

030-75705-7500	Construction in Progress	\$361,179
----------------	--------------------------	-----------

**UNFINISHED BUSINESS-CONTINUED:**

9. City Council will continue discussing the hiring process for a new City Attorney.

**PUBLIC COMMENT PERIOD**

**CITY COUNCIL COMMENTS**

**REQUEST FOR CLOSED SESSION:** Review Performance Evaluation-City Manager

**ADJOURN**



**MINUTES OF THE CITY OF BURLINGTON  
CITY COUNCIL MEETING  
JUNE 17, 2014**

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on June 17, 2014, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Ronnie Wall, Mayor Pro Tem David Huffman,  
Councilmembers Celo Faucette, Robert Ward and James Butler

Councilmembers Absent: None

City Manager: Harold Owen, Present

City Attorney: Charles Bateman, Present

City Clerk: Renee M. Ward, Present

**CALL TO ORDER:** Mayor Ronnie Wall

**INVOCATION:** Councilmember Celo Faucette

**PRESENTATION TO COUNCIL:** Ms. Vicky Hunt, PAWS

Ms. Hunt presented a check in the amount of \$20,000 to cover improvement costs to the Pet Adoption Center and Animal Shelter. Ms. Hunt asked Council to consider a “no tethering” law.

**REPORT:** Burlington Community Workgroup – Mr. Holt Skinner

Mr. Holt Skinner, representing the Burlington Community Workgroup, gave an overview of progress the group had made over the past year. He thanked Council and staff for removing temporary signs that were cluttering the City. He stated the group was pleased with the City for taking a serious look at beautifying Burlington, stronger enforcement of junk on front porches, slumlord properties and boarding houses.

**CODE OF ETHICS–DISCLOSING CONFLICTS OF INTEREST:** City Clerk Renee Ward

There were no conflicts of interest reported.

## **APPROVAL OF MINUTES:**

- June 2, 2014 – Work Session
- June 3, 2014 – City Council Meeting

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to approve the above listed minutes.

## **ADOPTION OF AGENDA**

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to adopt the agenda.

## **CONSENT AGENDA:**

### **ITEM 1:**

- A.** To appoint Kristina Meinking to fill the unexpired term on the Historic Preservation Commission. The term expires June 30, 2015.
- B.** To approve a resolution application designating authorized agents from the City of Burlington to execute and file applications for federal and/or state assistance for the March 7, 2014, ice storm.
- C.** To approve the 2014-2015 contract for services in the amount of \$70,000, with Whitsett Fire Department, Inc.
- D.** To set a date of public hearing for July 15, 2014, to consider an economic development project agreement with CS Carolina, Inc.
- E.** Budget Amendment 2014-49 – Appropriate Donations – Recreation Programs

#### **BA2014-49**

##### **Increase Revenues:**

010-39398-0004	Appr. Fund Bal-Comm. Centers	\$29,200
010-32135-0000	Alamance Jr. Tennis Foundation	22,400

##### **Increase Expenditures:**

010-62623-3300	Departmental Supplies	\$ 2,815
010-62623-4500	Contracted Services	1,600
010-62624-3316	Teen to Teen Supplies	9,700
010-62624-3317	Burlington Youth Council	85
010-62626-1500	Maint./Repair Bldg & Grnds	15,000
010-62623-3360	Jr. Tennis Program Supplies	22,400

**F. Budget Amendment 2014-50 – Final Budget Amendment-All Funds**

**BA2019-50**

**General Fund**

**Increase Revenues:**

010-33203-0001	FEMA Reimb. Ice Storm 2014	\$2,250,000
010-39398-0000	Appropriated Fund Balance	1,824,000

**Decrease Revenues:**

010-39398-0000	Appropriated Fund Balance	\$ 750,000
----------------	---------------------------	------------

**Increase Expenditures:**

**City Council**

010-41411-4500	Maint/Serv Election Annex	\$ 12,000
010-41411-5300	Dues and Subscriptions	10,000

**Customer Service/Collections**

010-42425-1100	Telephone	\$ 5,000
010-42425-4520	Vehicle Tax Collection Fee	37,000

**Human Resources**

010-48481-1900	Professional Svcs	\$ 60,000
010-48481-1901	Medical Services	135,000

**General Admin/Building**

010-50502-5400	Insurance - Bonds	\$ 35,000
010-50502-5800	Bank Services Charges	50,000
010-50502-9100	Operating Transfers Out	5,000

**Police – Administration**

010-51511-1500	Maintenance & Repair Bldg	\$ 42,000
010-51511-1900	Professional Svcs	40,000

**Police – Training & Personnel Services**

010-51514-1401	Training	\$ 45,000
010-51514-3600	Uniforms & Safety Apparel	40,000

**Police - Communications**

010-51520-1900	Professional Svcs	\$ 20,000
010-51520-7400	Equipment	20,000

**Police - Animal Services - Shelter**

010-51522-1500	Maint/Rep Build&Grounds	\$ 15,000
010-51522-3306	Subsistence & Animal Care	25,000

**Fire – Emergency Service Administration**

010-53530-7100	Land	\$ 187,000
----------------	------	------------

**Fire – Emergency Response Service**

010-53535-3600	Uniforms & Safety Apparel	\$ 60,000
010-53535-7400	Equipment	29,000

**Fire – Emergency Service Facilities**

010-53536-1500	Maint. & Repair Bldgs	\$ 10,000
----------------	-----------------------	-----------

**Fire – Emergency Response Equipment**

010-53538-3100	Automotive Expense	\$ 30,000
----------------	--------------------	-----------

**PW - Equipment Maintenance**

010-55554-4815	Fuel Purch. for Resale - Ext.	\$ 600,000
----------------	-------------------------------	------------

**PW – Maintenance Paved Streets**

010-56562-1503	Patching-Crack Material	\$ 30,000
010-56562-1900	Professional Services	30,000

010-56562-3100	Automotive Expense	15,000
010-56562-4510	Contracted Debris Removal	1,500,000
PW - Cemetery Department		
010-57571-1900	Professional Services	\$ 30,000
PW - Garbage – Waste Collections		
010-58583-7200	Buildings	\$ 126,500
Rec – Special Events		
010-62624-4519	Contracted Svcs - Dwntrwn Prgs	\$ 25,000
Rec – Fairchild Stadium		
010-62625-1500	Maint & Repair Bldg, Grnds	\$ 38,000
010-62625-7300	Capital - Other Improvements	12,500
Debt Services		
010-66660-8400	Capital Lease Principal	\$ 5,000
Rico		
<u>Increase Revenues:</u>		
013-52520-3390	Equipment Not Capitalized	\$ 75,000
<u>Increase Expenditures:</u>		
013-39398-0000	Appropriated Fund Balance	\$ 75,000
Water Resources		
<u>Increase Expenditures:</u>		
W & S Building Admin. Svc.		
030-66661-9102	Trans. to Wtr Cap. Res.	\$ 245,500
030-66661-9103	Trans. to Swr Cap. Res.	245,500
Customer Service		
030-66663-4500	Contracted Services	\$ 50,000
030-66663-4517	Fee For Greensboro Sewer	150,000
Water Line Maint/Repair		
030-72702-1510	Maint. & Repair Lines	\$ 40,000
Water Line Serv. & Const.		
030-74704-1503	Materials-Patching Street	\$ 46,000
Water Line Serv. & Const.		
030-75705-1900	Professional Services	\$ 22,000
E. Burlington Waste Treatment Plant		
030-86806-1500	Maint.-Repair Bldgs Grds.	\$ 100,000
030-86806-1600	Maintenance-Repair Equip.	75,000
Laboratories		
030-87807-3300	Departmental Supplies	\$ 10,000
030-87807-4500	Contracted Services	15,000
<u>Decrease Expenditures:</u>		
Water Line Maint/Repair		
030-72702-1514	Replacement Taps	\$ 20,000
030-72702-1519	W&S Line Valve Replacement	20,000
Water Line Serv. & Const.		
030-74704-4804	Materials - Taps	\$ 30,000
030-74704-7304	Petitions-Water Improvements	25,000
Sewer Line Serv. & Const.		
030-75705-1503	Materials-Patching Street	\$ 20,000
030-75705-7300	Capital - Other Improvements	150,000

Water Sources Protection		
030-82802-1300	Utilities	\$ 40,000
030-82802-1900	Cont/Serv Water Res Congr	19,000
Ed Thomas Water Plant		
030-83803-1300	Utilities	\$ 20,000
030-83803-3309	Chemicals	20,000
Mackintosh Water Plant		
030-84804-1300	Utilities	\$ 100,000
030-84804-3309	Chemicals	175,000
030-84804-4500	Maint. & Service Contract	50,000
E. Burlington Waste Treatment Plant		
030-86806-1300	Utilities	\$ 245,000
030-86806-4500	Maint-Service Contracts	30,000
Plants Maintenance		
030-89809-1300	Utilities	\$ 35,000
Dental Self Insurance		
<u>Increase Revenues:</u>		
041-39398-0000	Appropriated Fund Balance	\$ 50,000
<u>Increase Expenditures:</u>		
041-41660-0000	City of Burlington Claims	\$ 50,000
Group Health Benefits		
<u>Increase Revenues:</u>		
044-39398-0000	Appropriated Fund Balance	\$ 750,000
<u>Increase Expenditures:</u>		
044-53500-5500	City-Claims Active	\$ 500,000
044-53500-5506	Medicare Reimbursement	100,000
044-53500-5510	City Retire/Prescription	150,000
ERP System Project		
<u>Increase Revenues:</u>		
425-39398-0000	Appropriated Fund Balance	\$ 3,500
<u>Increase Expenditures:</u>		
425-60000-7300	Capital – Other - Software	\$ 3,500
Medicare Part D Senior Outreach		
<u>Increase Revenues:</u>		
528-39398-0000	Appropriated Fund Balance	\$ 3,230
<u>Increase Expenditures:</u>		
528-52000-0400	Personnel Services P/T	\$ 3,000
528-52000-0500	FICA Taxes	230
ARRA Piedmont Widening & Sidewalk Project		
<u>Increase Revenues:</u>		
530-38000-0000	Operating Transfers In	\$ 5,000
<u>Increase Expenditures:</u>		
530-60000-7302	Broadview Sidewalk Wide	\$ 5,000

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to approve the foregoing consent agenda.

## **PUBLIC HEARINGS:**

### **ITEM 2: AMENDMENT – ZONING ORDINANCE TEXT – SECTION 32.2.A.D.(2)**

Mayor Wall announced that a public hearing had been scheduled to consider amending City of Burlington Zoning Ordinance Text Section 32.2.A.D.(2), Western Loop Overlay District, Exterior Lighting Standards.

Planning and Economic Development Director Amy Nelson stated the request was for a simple text amendment to correct the formula for calculating exterior lighting in the western loop overlay.

The public hearing was held and there were no comments.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to close the public hearing.

Councilmember Faucette moved for the adoption of the following ordinance:

### **Ordinance # 14-20**

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That Section 32.2A.D(2) of the Burlington Zoning Ordinance be amended as follows:

#### **Amend Section 32.2A.D(2) as follows:**

#### **From:**

Footnote #9 on page 6 and page 9

Footcandles (f) are to be calculated by dividing the lumens (L) by the distance to the property line squared (D<sup>2</sup>) (i.e.  $F=L/D^2$ )

#### **To:**

Footnote #9 on page 6 and page 9

Footcandles (f) are to be calculated by dividing the lumens (L) by the distance to the property line squared ( $4\pi D^2$ ) (i.e.  $F=L/4\pi D^2$ )

Where: L = intensity of the source (lumens)

D = distance between the source and the illuminated surface



Section 3. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Butler, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Faucette, Ward and Butler.

Upon motion by Councilmember Faucette, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the following Statement of Consistency:

### **STATEMENT OF CONSISTENCY**

The City Council finds that the zoning text amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with current land use practices.

### **ITEM 3: REZONING – UNIVERSITY DRIVE**

Mayor Wall announced that a public hearing had been scheduled to consider a rezoning from R-15 Residential District to CB-Conditional Business District for the use of a Unified Business Development and CO&I Conditional Office and Institutional District for uses specified from the table of permitted uses under Office and Institutional zoning with the exception of boarding houses and veterinary offices. The property is located east of University Drive, south of South Church Street and west of Huffman Lane as shown on Alamance County plat book 76, page 238. An invalid protest petition had been received.

Ms. Marissa West, The Vernon Law Firm, stated that the developer was continuing to work with land owners and asked that the public hearing be continued to July 15, 2014.

Upon motion by Councilmember Huffman, seconded by Councilmember Butler, it was resolved unanimously to continue the public hearing to July 15, 2014.

### **ITEM 4: PUBLIC TRANSPORTATION**

Mayor Wall announced that a public hearing had been scheduled to consider public transportation.

Mr. Mike Nunn, Transportation Planning Manager, Burlington-Graham MPO gave the following overview of a potential fixed route transit system in the City of Burlington:

- Fixed Route Urban Transit System
- “Hub and Spoke” Design
- Downtown Burlington for transfer point / hub
- 30 minute travel / headways (+/-)
- Provide option for local residents / community
- Coordinate with ACTA, Elon BioBus, PART, TTA
- Serve major destinations and uses in urban areas

Expenses:

- Start-up Equipment / Capital (buses, signs, etc.)
- Operations & Maintenance (service provider, fuel, etc.)
- Planning & Administration, customer service, marketing)
- Cost based on service miles in each area
- Burlington would serve as Lead Agency for organization / grant process
- Reimbursement / Grant administration
- Cost will increase based on service provided and cost of resources

Revenues:

- Section 5307 Federal Grant
- Transit Vehicle Tax / \$5 \*(local decision)
- General Vehicle Tax / \$5 (local decision)
- City General Fund
- NCDOT Grant
- Rider Fees

The public hearing was opened.

The following persons spoke:

1. George Hill, President of South Beverly Hills Association, 236 Highland Avenue, Burlington, spoke in favor of public transportation.
2. Clara Burnton, 632 N. Church Street, Burlington, spoke in favor of public transportation.
3. Nannie Harvard, 439 Lincoln Street, Burlington, spoke in favor of public transportation.
4. Darlene Troxler Cotton, Elon, spoke in favor of public transportation.
5. Caroline Ansbaucher, 1132 West Davis Street, Burlington, spoke in favor of public transportation.

6. Steve Lineman, Tony Moorefield, Davis Street, Burlington, spoke in favor of public transportation.
7. Scott Ryan, Piedmont Authority for Regional Transportation, spoke in favor of public transportation and looked forward to working with the City.
8. Beverly Whitter, visiting from New York, spoke in favor of public transportation on behalf of her family.
9. Tom Mould, 820 N Gurney Street, Burlington, spoke in favor of public transportation.
10. Ian Baltutis, 2516 S Maury Arche, Burlington, spoke in favor of public transportation.
11. Julie Budd, 324 Hillcrest, Burlington, spoke in favor of public transportation.
12. Curtis Gentry, 138 Huffines Street, Burlington, spoke against transit.
13. Janette Watkins, lives in Burlington Housing Authority, spoke in favor of public transportation.
14. Elizabeth Reed, 2439 Glencoe Street, Burlington, spoke in favor of public transportation.
15. Ann Durr, 2561 Glenkirk Drive, Burlington, spoke in favor of public transportation.
16. Jody Thompson, 1110 Sunset Drive, Elon, spoke in favor of public transportation.
17. Donna Hodgins and Carolyn Taylor, Case Workers, Allied Churches, 206 N. Fisher Street, Burlington, spoke in favor public transportation.
18. Eric Henry, lives in Snow Camp, has a business in Burlington, spoke in favor of public transportation.
19. Dianne Heath, 3027 Maple Avenue, Board Member Women's Resource Center, spoke in favor of public transportation.
20. Tyrone Whitfield, 2629 East Simpson Road, Burlington, spoke in favor of public transportation.
21. David Spruill, 1809 Hilton Road, spoke in favor of public transportation.
22. Tiffany Miller, 750 Sharpe Road, spoke in favor of public transportation.
23. John Stubblefield, 127 Hillside Drive, Burlington, spoke in favor of public transportation.
24. Larry Covington, Graham, Pastor, Ebenezer United Church of Christ, spoke in favor of public transportation.
25. April Durr, Director of Healthy Alamance, 319 N. Graham-Hopedale Road, Burlington, spoke in favor of public transportation. Ms. Durr reference a letter from ARMC to help fund bus stops and bus stations.
26. Nikki Ratliff, lives in Graham, works at Burlington Housing Authority, spoke in favor of public transportation.
27. Tracy Salisbury, 2127 Canterbury Drive, Director of the Open Door Clinic, spoke in favor of public transportation.
28. Ed McDowell, 2571 Garden Road, Burlington, spoke in favor of public transportation.
29. Greg Hargrave, 421 Fulton Street, Burlington as a pastor, spoke in favor of public transportation.
30. David Williams, Retired Pastor, Episcopal Church of the Holy Comforter, spoke in favor of public transportation.
31. Ralph Gilliam, Director of ACTA, spoke in favor of public transportation.

32. Emma Curry, spoke in favor of public transportation.

33. Nina Wilson, 522 G Sellars Street, Burlington, spoke in favor of public transportation.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to close the public hearing.

After further discussion, Council approved public transportation.

Upon motion by Councilmember Faucette, seconded by Councilmember Butler, it was resolved unanimously to approve public transportation in the City of Burlington. (Approximately 150 attended the public hearing.)

### **PUBLIC COMMENT PERIOD**

Ms. Kim Crawford, Allied Churches, spoke in favor of safe housing.

Ms. Caroline Taylor, Case Manager, Allied Churches, spoke in favor of safe and standard housing.

### **CITY COUNCIL COMMENTS**

Destination Burlington – Open House - Give your input on the future City plans of Burlington this Thursday, June 19<sup>th</sup> 4:00pm – 6:00pm at North Park's Mayco Bigelow Center.

Burlington Recreation and Parks invite everyone to join the annual July 3<sup>rd</sup> Independence Day Celebration! Rides open at 10:00am, all other festivities will begin at 5:00pm.

City of Burlington offices will be closed on Friday, July 4<sup>th</sup> in observation of Independence Day.

### **REQUEST FOR CLOSED SESSION:**

City Attorney Charles Bateman asked that Council go into closed session to discuss a litigation issue. (8:50pm)

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ward, it was resolved unanimously to go into closed session.

City Council returned to open session. (9:25pm)

**OPEN SESSION:**

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to go into open session. (9:26pm)

**ADJOURN**

Upon motion by Councilmember Ward, seconded by Councilmember Butler, it was resolved unanimously to adjourn. (9:27pm)

*Renee M. Ward*

---

Renee M. Ward  
City Clerk

June 17, 2014  
City Council Meeting

## MINUTES OF THE BURLINGTON TRAFFIC COMMISSION

### June 4, 2014

The regular monthly meeting of the Burlington Traffic Commission was held in the Burlington Municipal Building Council chambers Wednesday, June 4, 2014. The following members were present: Chairman Michael Snyder, Coleman Rich, Roger Meisenbach, Richard Blue, and David Sellers. Also present were Chris Clow, City Traffic Engineer and Staff Sergeant Reid Metters, BPD.

The meeting was called to order by Chairman Snyder and the Pledge of Allegiance was recited. The Minutes of the May 2014 meeting were approved as distributed.

Agenda item 1, Request for No Parking along both sides of Faucette Rd. Request made by Ms. Sandra Miles, PO Box 2805 Burlington, NC

Discussion was held. Tractor trailers will park on both sides of the road to enter the distribution center. Each truck must check in with the security guard prior to entry. The parking by the tractor trailers present a challenge for thru traffic. Todd Porterfield of 603 Anthony Rd. owns the land and buildings on both sides of Faucette Rd. and suggested to put an asphalt pad on each side of the road. By August 15, 2014, the outbound traffic will come from another building in the vicinity. Mr. Clow stated the city data showed no accidents in the past 5 years. The road is 24 feet wide and to park cars on both sides of the road, a road would have to be 32 feet wide. Trucks are allowed to park for 30 minutes on a city road. An option could be to park on one side of the road. Mr. Meisenbach asked Mr. Clow if there was a precedent for a private business to construct asphalt pads within the city right of way and Mr. Clow responded with no precedent. Mr. Clow's final recommendation would be to table this agenda item. Ms. Miles then spoke about the problems of navigating the street, safety of the street and parking to pick up her husband's paycheck. Mr. Sellars from the company stated the company is in the process of adding additional parking spaces. Eddie Ingall of Greensboro – Chapel Hill Rd, Liberty, NC state he owns the property behind the distribution centers and stated asphalt pads on the shoulders should help but he didn't have a problem with the trucks on the side of the road when accessing his property. Mr. Porterfield stated they wanted to be good stewards within the neighborhood. Mr. Meisenbach made a motion to table the agenda item, Mr. Sellars seconded the motion. The motion passed.

Agenda item 2, Request for a 50ft. Loading Zone on the northeast side of East Market St. from a point 155 feet southeast from the centerline of N. Main St. to a point 205 feet from the same.

Request made by Greg Martin, Southland Electrical Supply, 123 E. Market St.

Mr. Martin stated it was primarily a safety issue. Parking is allowed on both sides of the street and delivers and pick ups are made on both sides of the street. A loading zone would allow parking next to the building. Mr. Clow stated it wasn't a problem having a loading zone for a 30 minute timeframe from 8 am to 6 pm. Mr. Blue made a motion to approve this agenda item, second by Mr. Meisenbach. The motion passed.

Agenda item 3, **Request to approve a 25 mph speed limit for Harriet Drive.** Request by: Ms. Caroline Cobb, 1613 Harriet Dr. Mr. Clow stated this request was warranted due to the fact there are two schools in the area. Cars travel in the 37 to 38 mph range. The current school zone doesn't extend to the Burlington School. The 25 mph would be for all day. Mr. Meisenbach made a motion to approve this agenda item, second by Mr. Sellars. The motion passed.

Agenda item 4, **Request to approve a 25 mph speed limit for Hillcrest Ave.** Request by: Ms. Jill Glen, 414 Hillcrest Ave. Mr. Clow stated there has been 1 accident in 5 years and the street is handling 295 – 370 cars per day. This street is similar to Harriet Drive because a school exists along this road as well with children crossing the roads to get home. Mr. Samuel Mace of 512 Hillcrest Ave. stated the 25 mph is a good idea. Parking is a problem since people park on both sides of the street. Mr. Thomas Teapole, 418 Hillcrest Ave. stated the street is used as a pass through and people speed all the time. Mr. Meisenbach made a motion to approve this agenda item, second by Mr. Sellars. The motion passed.

Agenda item 5, **Request to change the existing 1 Hour parking to 2 Hour parking for South Main St. from Maple Ave. to Front St.** Request by: Ms. Anne Morris, Burlington Downtown Corporation. Mr. Curtis Gentry, 321 S. Main St. spoke. The 1 hour parking tried to deter Labcorp employees and business owners from parking in those spaces all day. The problem is the cycle of marking cars and needed additional enforcement of parking in that area. Mr. Meisenbach made a motion to approve this agenda item, second by Mr. Sellars. The motion passed.

Agenda item 6, Request for a 25ft. Loading Zone on the southwest side of Front St. from a point 103 feet northwest from the centerline of S. Main St. to a point 78 northwest feet from the same. Request by: Bradley Lingerfelt, Trollingers on Main Floral, 301 S. Main St. Mr. Lingerfelt was not present. Mr. Clow stated Mr. Lingerfelt has expanded his business with 1-800-Flowers. Staff Sgt. Metters stated there was a loading zone on Main St across the street from the business. There was discussion concerning the maximum number of loading zones in the downtown area. Mr. Meisenbach made a motion to deny this agenda item, second by Mr. Rich. The motion passed.

Agenda items 7 and 8: **Request for Stop signs at the following locations:**

- **Armfield Ave. western approach to Charlotte Lane**
- **Charlotte Lane southern approach to Bedford St.**

**Request for Yield signs to be changed over to Stop signs at the following locations:**

- **Truitt St. southwestern approach to Forestdale Dr.**
- **Bedford St. southwestern approach to Forestdale Dr.**
- **Amherst Ave. northern approach to S. Fairway Dr.**
- **Northern leg of Fox Run Rd. southwest approach to Keogh St.**
- **Dorsett St. southern approach to Hawthorne Ln.**

Requests made by: Mr. Doug Carroll, 1826 Brier Lane

Mr. Carroll was a part time employee during the debris clean up and lives in Graham. The items listed above were the observations he made in the field. Mr. Clow said there have not been any accidents at these intersections in the past 5 years. Mr. Clow said it would be prudent to have

stop signs in these areas. Mr. Clow also stated they have an inventory of other streets in Burlington which need the same. Mr. Blue made a motion to approve this agenda item with Mr. Rich seconding. The motion passed. The committee recommends that the city continue this process to address other streets in the city which exhibit similar characteristics. Seeing no other agenda items, the meeting was adjourned at 8:30 pm.

There will not be a July meeting of the Traffic Commission.

Respectfully submitted,

Coleman R. Rich



# Traffic Commission Map

## Loading Zone for East Market St.





# Traffic Commission Map

## 25 MPH Speed Limit for Harriet Dr.





# Traffic Commission Map

## 25 MPH Speed Limit for Hillcrest Ave.





# Traffic Commission Map

## Parking Time Limit Change from 1 Hour to 2 Hour for S. Main St.





# Traffic Commission Map

## Parking Time Limit Change from 1 Hour to 2 Hour for S. Main St.





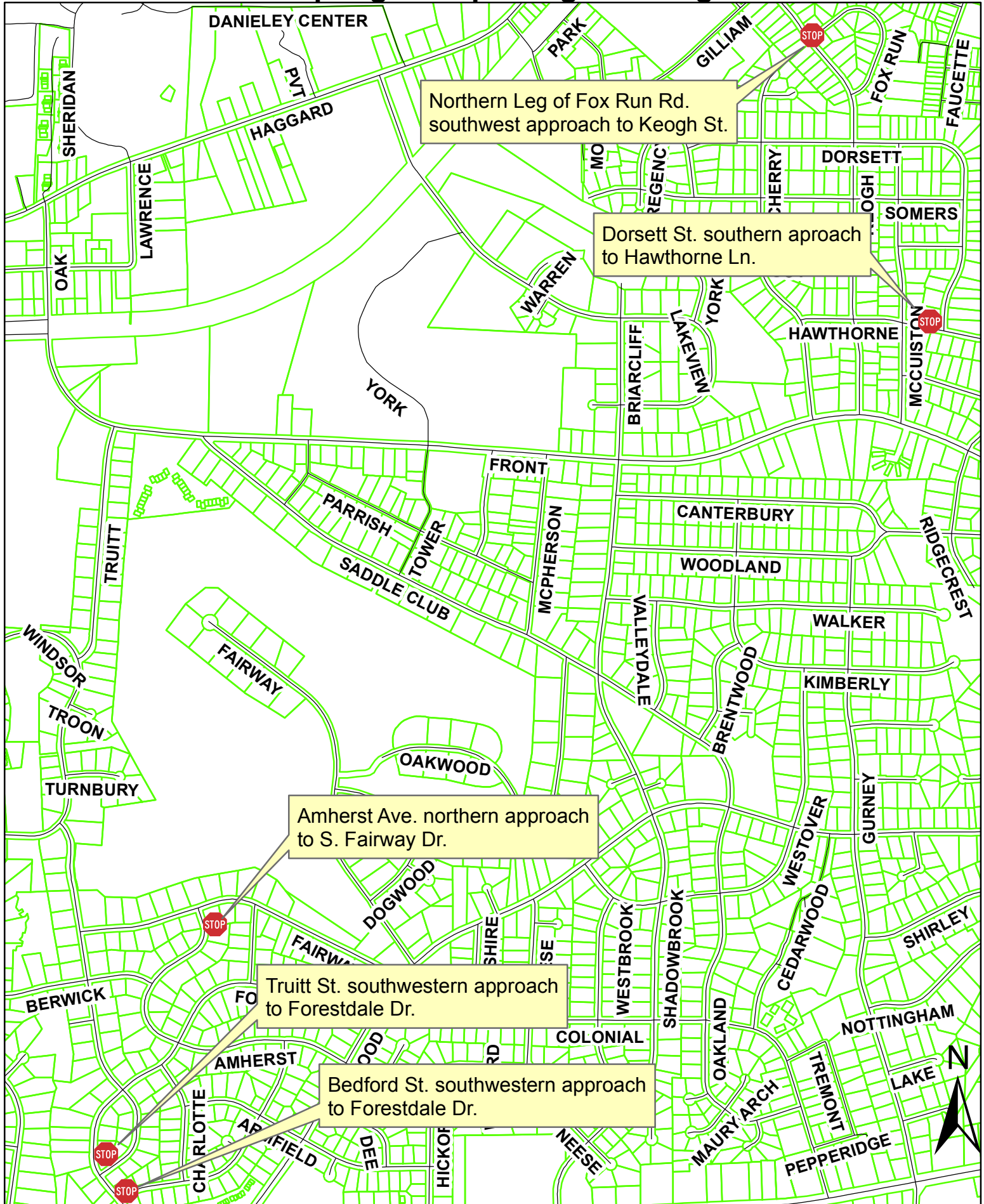
# Traffic Commission Map

## Stop Sign Additions



## Traffic Commission Map

### Stop Signs Replacing Yield Signs





# CITY OF BURLINGTON

"Connecting the Triad & the Triangle"

---

Nolan P. Kirkman, PE

Director of Development & Technical Services

June 17, 2014

## MEMORANDUM

TO: Harold Owen  
City Manager

FROM: Nolan Kirkman, PE  
Director of Development & Technical Services

SUBJECT: Consent Agenda Item - 7/15/14 Council Meeting  
AWCK Agreement

Please ask the City Council to approve the attached agreement with Alley, Williams, Carmen and King, Inc. (AWCK) for inspection and plan review services. The existing agreement is expiring. This agreement is necessary to maintain existing service options as well as to allow AWCK personnel to retain their inspection certificates.

Please place this on the consent agenda for the July 15, 2014 City Council agenda. Please let me know if you have any questions regarding this request.

## Attachment

Cc: Charles Bateman, City Attorney  
Peggy Reece, Director of Finance & Risk Management  
Ray Rice, Inspections Director  
Hal Hayes, Purchasing Manager



**NORTH CAROLINA  
CITY OF BURLINGTON**

**AGREEMENT**

THIS AGREEMENT made and entered into this 15th day of July 2014  
by and between the CITY OF BURLINGTON (hereinafter referred to as "City") and  
ALLEY, WILLIAMS, CARMEN AND KING, INC. (hereinafter referred to as  
"AWCK").

**WITNESSETH:**

WHEREAS, pursuant to Part 5 of Article 19 of Chapter 160A of the North  
Carolina General Statutes, the City has created an Inspections Department to enforce the  
North Carolina State Building Code within its jurisdiction; and,

WHEREAS, Alley, Williams, Carmen and King, Inc., a private engineering and  
architectural design firm licensed to practice in the State of North Carolina, has agreed to  
perform Level III building and electrical inspections for the City in accordance with this  
agreement; and,

WHEREAS, the City of Burlington, by action of its City Council, authorized  
Alley, Williams, Carmen and King, Inc., to perform inspections for the City.

NOW, THEREFORE, for and in consideration of the respective rights, powers,  
duties, obligations and conditions hereinafter set to be performed by the City of  
Burlington and AWCK, all parties hereto mutually agree as follows:

1. PURPOSE: The purpose of this agreement is to authorize AWCK to provide  
building plan review and Level III building inspection services as needed and  
agreed (so long as AWCK is not involved in the current design and/or  
development of said project(s));
2. DURATION OF AGREEMENT: This agreement shall be deemed a continuing  
contract as permitted by G.S. 160A-17 and shall continue until 8/1/2015,  
subject to the right of either party to terminate its participation to this Agreement  
by giving sixty (60) days written notice to all parties of its intent to terminate.
3. AUTHORIZATION TO THIS AGREEMENT: Pursuant to North Carolina G.S.  
160A-413, the governing body of the City approved this agreement on  
7/15/2014, authorizing AWCK to perform the outlined building  
inspections on behalf of the City of Burlington.

4. **DUTIES:** Pursuant to this agreement, AWCK shall provide building plan review and Level III building inspection services as needed and agreed (so long as AWCK is not involved in the current design and/or development of said project (s)). Through execution of this Agreement, AWCK certifies that all individuals performing inspections on the above projects shall meet the minimum requirements of North Carolina G.S. 160A-411.1 and all applicable requirements of the North Carolina Department of Insurance. The Director of Inspections for the City of Burlington shall supervise all work performed under this agreement and will facilitate the establishment of protocols and working relationships between the City, contractors engaged in work on the above projects, and AWCK. The City will attempt to provide a minimum of 24 hours notice before a contracted inspector is needed. AWCK will respond as quickly as possible to accommodate such request.
5. **COMPENSATION:** Compensation for work performed under this agreement shall be made in accordance with the inspector's level classification and corresponding hourly rate (see Attachment A). Payment shall be made monthly upon receipt of an invoice from AWCK.
6. **TRANSPORTATION AND EQUIPMENT:** Equipment required for inspectors under this agreement shall be provided by AWCK. Inspectors will provide their own transportation to inspection work sites.
7. **EMPLOYMENT STATUS / RESPONSIBILITY FOR ACTIONS OF THE INSPECTOR:** Employees performing plan review and inspections under this agreement shall be governed by the inspector employee provisions of 160A-413 and other applicable statutes. The City shall have the same potential liability, if any, for inspections conducted by personnel under this Agreement as it does for individual inspectors that are employees of the City. AWCK personnel employed under this agreement are not eligible for City benefits including retirement and health care benefits.
8. **WORKERS' COMPENSATION:** AWCK shall provide workers compensation for the subject employees that meets all requirements of North Carolina Workers' Compensation Laws. This coverage shall provide for unemployment compensation, FICA, retirement and life and/or health insurance as required by statute.
9. **LIABILITY INSURANCE:** AWCK SHALL PROVIDE General Liability Insurance with a minimum coverage of \$1,000,000 (one million dollars) per occurrence with a minimum aggregate coverage of \$2,000,000 (two million dollars) annually. Errors and Omissions coverage shall be a minimum of \$3,000,000 (three million dollars) per claim and \$3,000,000 (three million dollars) aggregate limit annually. The City of Burlington shall be named an additional named insured by the AWCK insurance provider, and the following sentence shall

be included on AWCK's Certificate of Insurance: "A Blanket Waiver of Subrogation shall apply in favor of the City of Burlington in regards to all policies and all additional insured's as required by contract for General Liability, Auto Liability, and Excess/Umbrella Liability." The policy shall provide a ninety (90) day notice of cancellation/non-renewal or material change.

10. PROHIBITED INTEREST. AWCK affirms that it has neither an interest, nor shall acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of services under this Agreement.
11. DISCRIMINATION PROHIBITED. AWCK shall not discriminate against any person in the performance of this Agreement because of race, creed, sex, handicap, color, age, national origin or familial status.
12. METHOD OF AMENDING AGREEMENT: This Agreement may be amended in writing with the mutual agreement of all parties hereto.

IN TESTIMONY WHEREOF, The City of Burlington has caused this Agreement to be executed by its Mayor and attested by its City Clerk. Alley, Williams, Carmen and King, Inc., has caused this Agreement to be executed by its President and attested to by its Secretary.

**BY:**

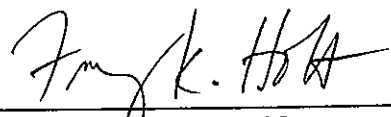
**ATTEST:**

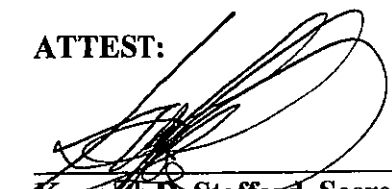
\_\_\_\_\_  
**Ronnie K. Wall, Mayor**  
**City of Burlington**

\_\_\_\_\_  
**Renee M. Ward, City Clerk**  
**City of Burlington**

**BY:**

**ATTEST:**

  
\_\_\_\_\_  
**Franz K. Holt, President**  
**Alley, Williams, Carmen & King, Inc.**  
**Inc.**

  
\_\_\_\_\_  
**Kenneth D. Stafford, Secretary**  
**Alley, Williams, Carmen & King,**

This instrument has been preaudited in the manner required by the Local Government Budget And Fiscal Control Act.

\_\_\_\_\_  
Peggy Reece , Director of Finance & Risk Management

## **Attachment A**

The following levels and hourly rates shall be used when calculating the invoices for payment:

LEVEL 1	
Principal Architect or Engineer	\$ 165.00 per hour
LEVEL 2	
Senior Associate Architect or Engineer	\$ 140.00 per hour
Consulting Engineer (Electrical)	
LEVEL 3	\$ 120.00 per hour
Staff Architect or Engineer	
LEVEL 3	\$ 90.00 per hour
Architectural or Engineering Technician	
(Graduate Architect or Engineer)	

## **Memorandum**

**TO:** Harold Owen, City Manager

**FROM:** Shawna Tillery, CD Administrator

**DATE:** June 24, 2014

**SUBJECT:** City Council Agenda-July 15, 2014  
Approval of CHDO Agreement-2014-15 Fiscal Year

Please request the City Council at its meeting on July 15, 2014, to approve the Community Housing Development Organization (CHDO) Agreement between the City of Burlington and Alamance County Community Services Agency, Inc.

Payments under this agreement are limited to the funds allocated for the CHDO in the City and County's 2014-15 HOME Investment Partnerships (HOME) Program budget. The CHDO set-aside is \$27,033 in the City's budget and \$16,220 in the County's budget.

Should you need additional information, please advise me.

**CHDO AGREEMENT  
HOME INVESTMENT PARTNERSHIPS PROGRAM**

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **City of Burlington**, a municipal corporation organized and existing under the laws of the State of North Carolina, (hereinafter called the "City") and the **Alamance County Community Services Agency, Inc.**, a nonprofit corporation organized under the laws of the State of North Carolina (hereinafter called the "CHDO").

**WITNESSETH:**

**WHEREAS**, the City has entered into an Agreement to receive funds under the HOME Investment Partnerships Program (hereinafter called the "HOME" Program) from the United States Department of Housing and Urban Development (hereinafter called "HUD"); and

**WHEREAS**, it is the purpose of this Agreement to effect a specified portion of the approved program according to the policies expressed by and declared in Title II of the National Affordable Housing Act of 1990, as amended, (hereinafter called the "Act"); and

**WHEREAS**, pursuant to said purpose the City desires to engage the CHDO to render certain assistance in the furtherance of the local HOME Program;

**NOW, THEREFORE**, in consideration of the promises exchanged between the parties hereto, it is agreed as follows:

**A. SCOPE OF SERVICES:**

1. The CHDO shall perform the services and activities outlined in Attachment A, which is made expressly part of this Agreement, as it now reads or as it may later be modified according to regulations promulgated by HUD.
2. The City may, from time to time, request changes in the scope of services performed by the CHDO. Such changes, including any increase or decrease for the CHDO's compensation that is mutually agreed upon by and between the City and the CHDO, shall be incorporated in written amendments to this Agreement.

3. Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/ employee between the parties. The CHDO shall at all times remain an "Independent Contractor" with respect to the services to be performed under this Agreement. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Worker's Compensation Insurance since the CHDO is an independent contractor.

**B. DURATION OF AGREEMENT:**

This Agreement shall be effective on the 1st day of July, 2014 and shall remain in effect during the period of affordability required by the Act under 24 CFR Part 92. The Agreement and the provisions herein may be extended to cover any additional period during which the CHDO remains in control of HOME funds or assets, including program income.

**C. FUNDING AND PAYMENT:**

1. Payments under this Agreement are limited to the funds allocated to the CHDO in the City's and County's 2014-15 HOME Program Budget (\$27,033 and \$16,220 respectively) but in no event, will the total compensation and reimbursement, if any, paid hereunder exceed the maximum sum of Forty-three thousand two-hundred and fifty-three dollars (\$43,253).
2. The CHDO shall request disbursement of HOME Program funds only at the time funds are needed to pay eligible costs/expenses. Requested funds are limited to the amount needed to cover these costs and that can be expended within 10 days from the date funds are disbursed to the City from the United States Treasury. The CHDO shall also maintain and make available, when requested, support documentation for all expenditures.
3. Any income earned or received by the CHDO as a direct result of an activity funded by this Agreement is considered proceeds. The CHDO shall retain all proceeds in a separate local account. Proceeds can be expended by the CHDO on any eligible CHDO Program activities. Further, the CHDO agrees to expend all proceeds before requesting additional HOME Program payments.

4. The CHDO shall provide information on the proposed project activities for the City to set up in the Integrated Disbursement and Information System (hereinafter called the IDIS), ten (10) days before expending any funds. Within fifteen (15) days after making the final expenditure on the project, the CHDO shall provide project completion records to the City. The CHDO shall spend its total allocation of HOME funds on eligible housing activities by the end of the fifth year after the project is set up in the IDIS or the City must de-obligate the remaining funds.

**D. TERMS AND CONDITIONS:**

1. The CHDO shall assume responsibility for managing the day-to-day operations of its HOME Program, to assure compliance with program requirements outlined in 24 CFR Part 92, and for taking appropriate action when performance problems arise.
2. The CHDO shall take full responsibility for ensuring that housing it assists with HOME funds meet the affordability requirements of 24 CFR Part 92, as applicable, and shall repay its award of HOME funds in full to the City if the housing does not meet the affordability requirements for the specified time.
3. The assistance provided under this agreement shall not be used by the CHDO to pay a third party, to lobby the City or HUD for approval of applications for funding or additional assistance or for any other approval or concurrence of the City and HUD required under this Agreement. However, HOME funds may be used to pay reasonable fees for bona fide technical, consultants, managerial or other such services, other than actual solicitations, if these services are eligible program costs.
4. The City shall hold the CHDO responsible for complying with the provisions of this Agreement and the provisions contained in Section J regarding assignability even if the CHDO designates a third party or parties to undertake all or any part of the program. All third parties must be bound in writing to the same provisions required in this Agreement.
5. The CHDO shall notify the City in writing of any changes in its 501(c)(3) tax exempt status during the specified period of affordability, or any other change to the non-profit that alters the organization's certification as a CHDO under 24 CFR Part 92.
6. The CHDO shall reimburse the City for any amount of HOME funds determined by HUD to have been improperly expended, and the City shall retain the right to recover any questioned costs or overpayment from the CHDO.
7. In the event of termination, all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the CHDO under this



Agreement shall, at the option of the City, become the City's property.

8. None of the following or their immediate family members, during the tenure of the subject person, or for one year thereafter, shall have any direct or indirect financial interest in any contract, subcontract or the proceeds thereof for work performed in connection with the program assisted under this Agreement: employees, agents, or officials of the CHDO, including members of the governing body, who exercise any function or responsibility with respect to the program. The same prohibition shall be incorporated in all such contracts and subcontracts.
9. The CHDO shall comply with all labor standards, nondiscrimination and equal opportunity responsibilities outlined in 24 CFR Part 92.
10. The CHDO shall take affirmative action to ensure that qualified residents of the project area are given maximum opportunity for training, employment and business opportunities generated by the HOME Program.
11. In its publicity of the project, the CHDO shall acknowledge the Greensboro/Guilford/Burlington/Alamance Housing Consortium as the sponsor and the City and HUD as grantors funding the project through the HOME Program. The City will, in its publicity of the project, recognize the CHDO as the agency responsible for carrying out the project.
12. The CHDO shall allow the City to conduct monitoring and evaluation activities as determined necessary by the City and HUD.

**E. FINANCIAL MANAGEMENT:**

1. The CHDO agrees to comply and follow the accounting principles and required procedures of Attachment F of Office of Management and Budget (OMB) Circular A-110, to use adequate internal and to maintain necessary documentation for all costs incurred.
2. The CHDO shall assure all persons handling funds received or disbursed under this Agreement are covered by sufficient fidelity insurance and/or bond in an amount consistent with sound fiscal practices to protect these funds.

**F. RECORDS AND REPORTS:**

1. The CHDO shall maintain and, at reasonable times and places, make available to the City such records and accounts, including property, personnel, and financial records, the City and/or State and federal agencies deem necessary to assure a

proper accounting for all HOME Program funds.

2. The CHDO shall provide, at all reasonable times, any duly authorized representative(s) of the City, HUD and/or the United States Comptroller General access to and the right to inspect, copy, monitor, and examine all of the books, papers, records, and other documents relating to the HOME Program funds and the fulfillment of this Agreement for five (5) years following the completion of the closeout procedures and the final settlement and conclusion of all issues arising out of the HOME Program/funds.
3. The CHDO shall provide the City information needed to complete the Annual Performance Report and other reports required by HUD.
4. The CHDO shall provide an Annual Audit Report performed in compliance with OMB Circular A-133.

**G. HOLD HARMLESS:**

The CHDO shall perform the work as provided herein as an independent contractor. The City shall not be liable for any and all claims, actions, suits, charges, and judgments whatsoever arising out of the performance or nonperformance of this Agreement by the CHDO, its employees, officers or agents. The CHDO shall hold harmless, defend and indemnify the City, its officers, agents, and employees from all such claims, actions, suits, charges, and judgments under this Agreement.

**H. AMENDMENTS:**

1. The City or the CHDO may amend this Agreement at any time provided that such amendments specifically reference this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the City's governing body. Such agreements shall not invalidate this Agreement, nor relieve or release the City or CHDO from its obligations under this Agreement.
2. The City, may in its discretion, amend this Agreement to conform with Federal, State or local government guidelines, policies and available funding amounts, or for other reasons. If such amendment results in a change in funding, the scope of services or schedule of the activities conducted as part of this Agreement, these modifications will be incorporated only by the written amendment signed by both City and CHDO.

**I. SUSPENSION OR TERMINATION:**

1. Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least thirty (30) days before the effective date of such termination. Partial terminations of the scope of services may only be undertaken with the prior approval of the City. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports, or materials prepared by the CHDO under this Agreement shall, at the option of the City, become the property of the City, and the CHDO shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials before the termination.
2. Upon written notice, the City may also suspend or end this Agreement, in whole or in part, if the CHDO materially fails to comply with any term of this Agreement, or with any of the rules, regulations or provisions referred to herein or announced by HUD. As a result, the City may declare the CHDO ineligible for any further participation in the City's contracts, in addition to other remedies as provided by law.
3. In the event there is probable cause to believe the CHDO is in noncompliance with any applicable rules or regulations, the City may withhold said contract funds until the CHDO is found to be in compliance by the City, or is otherwise adjudicated to be in compliance. The City shall advise the CHDO in writing what action(s) must be taken for resumption of payments.

**J. ASSIGNABILITY:**

This Agreement is expressly non assignable without the prior written consent and approval of the City; nor may the Program be continued by a successor to the CHDO herein named without the prior written consent of the City. Any work or services subcontracted hereunder shall be specified by written contract or agreement.

**K. MISCELLANEOUS PROVISIONS:**

1. The singular of any term used this Agreement shall include the plural, and the masculine shall include the feminine, and vice versa.
2. A signed copy of this Agreement shall be considered as an original.
3. Service of all notices under this Agreement shall be sufficient if given personally, by registered or certified mail, return receipt requested, and mailed to the party involved at the address and to the attention of the person set forth below, or to

such other person or address as said party may provide in writing from time to time. Any such notice mailed to such address shall be effective upon the date received as shown by the returned receipt or otherwise:

CITY OF BURLINGTON:

Amy Nelson, Planning Director  
City of Burlington  
Planning and Community Development Department  
Post Office Box 1358  
Burlington, North Carolina 27216-1358

ALAMANCE COUNTY COMMUNITY SERVICES AGENCY, INC:

Wendy Covington, Executive Director  
Alamance County Community Services Agency, Inc.  
Post Office Box 38  
Burlington, North Carolina 27216-0038

**IN WITNESS WHEREOF**, the City of Burlington and Alamance County Community Services Agency, Inc. have caused this Agreement to be executed by a duly authorized officer of each party and attested on its behalf.

**ATTEST TO:**

**CITY OF BURLINGTON:**

BY: \_\_\_\_\_  
City Clerk  
(Corporate Seal)

BY: \_\_\_\_\_  
Mayor

Approved as to FORM.

"This instrument has been preaudited  
in the manner required by the Local  
Government Budget and Fiscal Control  
Act."

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Finance Officer

**ATTEST TO:**

**ALAMANCE COUNTY COMMUNITY  
SERVICES AGENCY, INC.**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

## **“ATTACHMENT A”**

### **ALAMANCE COUNTY COMMUNITY SERVICES AGENCY, INC. (Proposal for 2014-15 CHDO Funds)**

Alamance County Community Services Agency, Inc. (ACCSA) is a long standing Community Action Agency that has served low-income families in Burlington and Alamance County for nearly four decades. ACCSA is a certified Community Housing Development Organization (CHDO) and is requesting the City of Burlington and Alamance County’s 2014 HOME Program CHDO set-aside allocation. These funds will be used to continue the development of the Apple Tree Village Subdivision located in northern Burlington in census tract 204. The subdivision is comprised of eighteen (18) lots on approximately 4.25 acres of land owned by the City of Burlington. This property is available for affordable housing to eligible citizens of Burlington and Alamance County. Each individual lot is approximately one-fourth (1/4) of an acre.

ACCSA will target Alamance County residents with low to moderate annual incomes (based on current HUD income limits). Families must be first-time homebuyers or have not previously owned a home during the past three years. The families must qualify for a mortgage to receive a home in the subdivision. All homes are pre-sold to mortgage ready families before construction begins.

#### **SCOPE OF SERVICES:**

ACCSA shall perform the following services and activities:

1. Developer – Obtain financing and construct affordable homes for low to moderate-income first-time homebuyers. Duties as a developer include, but are not limited to, approving site plans, negotiating and approving contracts, obtaining and awarding bids, monitoring and evaluating the efficiency and effectiveness of the project operation, requesting payments and submitting required reports to the appropriate sources.
2. Realtor – Market and publicize affordable homes in Apple Tree Village Subdivision and the available homeownership program for families to prepare to become homebuyers in the subdivision.
3. Processor of Homebuyer Applications – Complete and review applications of each potential homebuyer to determine if the applicant qualifies to become a homebuyer in the subdivision. Evaluate and give preliminary “mortgage ready” status and determine needed actions for applicants to become homebuyers.
4. Homebuyer Education/Counseling – Coordinate family pre-homeownership preparation and pre-sale of the new home to be built in the subdivision. Offer housing counseling and homeownership education programs through workshops and one-on-one sessions.

## **CITY OF BURLINGTON**

### **RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION**

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal Transportation Assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code; and other Federal statutes administered by the Federal Transit Administration.

**WHEREAS**, the Federal Transit Administrator has been delegated authority to award Federal financial assistance for a transportation project;

**WHEREAS**, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost;

**WHEREAS**, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Burlington, North Carolina:

1. That the City Manager is authorized to execute and file an application for Federal assistance on behalf of the City of Burlington with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code; or other Federal statutes authorizing a project administered by the Federal Transit Administration. The Applicant has applied to be a Designated Recipient as defined by 49 U.S.C. Section 5307(a)(2).
2. That the City Manager is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal Assistance Grant or Cooperative Agreement.
3. That the City Manager is authorized to execute the grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Burlington.

### **CERTIFICATION**

The undersigned duly qualified City Clerk, acting on behalf of the  
The City of Burlington, certifies that the foregoing is a true and correct  
copy of a resolution adopted at a legally convened meeting of the  
City Council of the City of Burlington held on July 15, 2014.

---

Renee M. Ward  
(Signature of Recording Officer)

---

(Title of Recording Officer)

---

(Date)



# CITY OF BURLINGTON

"Connecting the Triad & the Triangle"

---

Nolan P. Kirkman, PE  
Director of Development & Technical Services

June 10, 2014

## MEMORANDUM

TO: Harold T. Owen  
City Manager

FROM: Nolan P. Kirkman, PE  
Director of Development & Technical Services

SUBJECT: 7/15/14 City Council Meeting – Consent Agenda Item  
Contract Addendum for Transit Planning & Administration Services

Please request the City Council at its July 15, 2014 meeting to approve the attached contract addendum with Mobility Solutions to provide for planning and administration services for the recently approved transit system. The attached scope of services outlines the work to be provided and associated compensation. Please note that eighty per cent (80%) of these costs will be reimbursed via federal grants.

Please place this item on the consent agenda. If you have any questions regarding this matter, please advise.

## Attachment

cc: Charles Bateman, City Attorney  
Peggy Reece, Finance & Risk Management Director  
Amy Nelson, Planning & Economic Development Director



## CONTRACT ADDENDUM

**THIS CONTRACT ADDENDUM** is made and entered into this 15<sup>th</sup> day of July 2014 by and between the **City of Burlington** (hereinafter "City" located at 425 South Lexington Avenue, Burlington, North Carolina, and **Mobility Solutions Unlimited LLC** (hereinafter "Contractor") located at 135 Cabarrus Avenue East, Concord, North Carolina 28025.

### WITNESSED:

**WHEREAS**, the City and Contractor entered into an agreement dated June 19, 2012 for Contractor to perform MPO Administrative and Planning Services for City; and

**WHEREAS**, Sec. 3. of the agreement as amended provided that the services will begin on July 1, 2012 and end June 30, 2017; and

**WHEREAS**, Sec. 6. of the agreement provides that the contract may be amended or extended for a period to be agreed upon by City and Contractor.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The Agreement dated June 19, 2012 between the parties is hereby amended to read as Follows:  
"Sec.2." (**Compensation for Services**) The City shall pay the Contractor for the additional work as provided in the Transit Administration Scope of Work "Attachment A".  
  
"Sec. 3." (**Term**) The Contractor will begin the additional services on July 1, 2014 and shall end on June 30, 2017 unless extended by the City.
2. All other terms and conditions of the Agreement dated June 19, 2012 shall remain in full force and effect

**IN WITNESS WHEREOF**, the parties hereto have executed this Contract Addendum as of the day and year above written.

**CITY OF BURLINGTON**

By: \_\_\_\_\_  
City Manager

**ATTEST BY:**

\_\_\_\_\_  
City Clerk

**MOBILITY SOLUTIONS LLC**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ATTEST BY:**

\_\_\_\_\_  
Title: \_\_\_\_\_

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Peggy Reece, Director of Finance & Risk Management

July 1, 2014

Mrs. Amy Nelson  
City of Burlington  
PO Box 1358  
Burlington, North Carolina 27216

**RE: Transit System Planning and Administration / MPO Contract Addendum**

Dear Mrs. Nelson:

Based on the city's request to amend the current MPO Planning Services contract to include transit planning services, Mobility Solutions Unlimited, LLC is pleased to submit our work scope and proposal for review. We are excited about this opportunity and prepared to provide the transit administration and planning services for the proposed fixed route transit system. We will provide the depth of experience and vision that is required for the efficient administration of this public transportation system.

The professional staff of the Mobility Solutions team will assist with coordination and communication with the Burlington Graham MPO, NCDOT, FTA and the governing body of the transit system on all assigned work tasks. A description of services is listed on Scope of Services / Attachment A enclosed with this letter of proposal. These items listed, along with our previous experience with the start up of the Concord/Kannapolis transit system, will allow us to continue a superior level of grant management and transit planning administration. Our company personnel will be dedicated to helping the city meet objectives and goals in route to start up of the new transit system. Connie Cunningham will provide technical and administrative support and I, Mike Nunn, will serve as Transit Administrator for the system. The Transit Administrator and administrative staff support services will be invoiced in the amount of \$4,184.27 per month beginning July 2014.

In addition to our staff and work experience, NCDOT has certified Mobility Solutions as a Woman Owned Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Small Professional Services Firm (SPSF) and Small Business Entity (SBE). The public transportation system will play a critical role to further enhance the City of Burlington and surrounding areas. We will provide the proposed tasks and exceed your expectations. You may contact me directly at 704-791-4429 if you have any questions or need additional information about our company or qualifications.

Kind Regards,  
**MOBILITY SOLUTIONS UNLIMITED, LLC**

Mike Nunn, AICP  
Manager

CC: Connie Cunningham, Manager

Attachment : Scope of Work / Attachment A

### **Scope of Work / Attachment A**

- All preparation and coordination of the Transit Commission/Authority and Citizens Advisory Committee meetings;
- Point of contact for transit business and general information to public, media point of contact, distribution of transit system information, citizen inquiries and information requests;
- Facilitate and assist the city staff to achieve Grantee status by the Federal Transit Administration for the Section 5307 Grant;
- Coordination with NCDOT and FTA on transit grant issues and compliance with Section 5303 and Section 5307 grant programs;
- Coordination with Burlington Finance Department on reimbursement materials and documentation;
- Transit route planning, revisions and evaluations;
- Develop RFP/RFQ for transit planning and design studies;
- Coordinate with Marketing Consultant to manage transit marketing program;
- Provide a speakers bureau and serve as a spokesman for the transit system and attend community and other agency meetings to market transit system;
- Work with local business, civic organization, citizen groups, community college, etc. to educate and inform about transit system use and benefits;
- Liaison with Transit Service Provider to address and resolve operation issues;
- Liaison with other transit service members/communities as needed;
- Manage contracts and consultants for transit studies and contracted work tasks;
- Facilitate Temporary Transit Terminal and Permanent Transit Terminal activities;
- Assist and cooperate with City of Burlington in meeting the objectives of providing quality transportation services;
- Work with surrounding local governments and transit agencies to create regional transit network and route expansion;
- Provide information and coordination with regional systems and Park and Ride lot operations;
- Attend state and federal meetings on behalf of the transit system;
- Assist with collection of operational and ridership data for FTA/NCDOT reporting requirements;
- The ability to provide (upon request) daily customer service duties, telephone response, and complaint tracking log for transit system once in operation;
- Implement all transit programs and policy as directed.

#### Compensation:

Services will be invoiced in the amount of \$4,184.27 per month beginning July 2014.

# Memo

To: Mayor and Council  
From: Charles Bateman  
CC: Harold Owen  
Date: 7/11/2014  
Re: Settlement of claim

---

On April 4, 2014, Burlington Police assisted by the Alamance County Sheriff's Department mistakenly attempted to serve a search warrant on a residence in the Mebane area of Alamance County. The warrant, which was drawn up by the officers of the Burlington department had the wrong address and the occupants of the dwelling were in no way involved in the activity which the officers were investigating. The service included armed forceful entry and physical restraint of the occupants. After investigation, it was concluded that the officers involved in the issuance of the warrant had acted negligently in that they did not sufficiently identify the house number before applying for the warrant. This was an unfortunate incident that resulted in damage to the premises and a forceful restraint of the occupants. Pursuant to the authority granted to the City Manager, and upon recommendation of the City Attorney and the Chief of Police, this matter was settled to the satisfaction of the parties, Clifton and Shirley King, by the payment to them of the sum of \$25,000.00 which is the deductible amount of the City's liability insurance. A copy of the executed release is attached.

---

---

## MEMORANDUM

---

**TO:** Harold Owen, City Manager

**FROM:** Amy L. Nelson, Director of Planning & Economic Development

**DATE:** July 8, 2014

**SUBJECT:** City Council Agenda – July 15, 2014  
Final Plat Approval – New Covenant United Holy Church

---

---

At its meeting on June 23, 2014, the Burlington Planning and Zoning Commission considered an application for final plat approval for New Covenant United Holy Church. The property is located north of Apple Street as shown on plans by Donald E. Robinson land Surveying dated May 27, 2014, and containing two lots.

Staff recommended approval of the final plat.

The Commission unanimously recommended approval of the final plat.

The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

Please have this item placed on the City Council agenda for its meeting July 15, 2014.

Action required by the Council is to approve the final plat.

ALN/kp

# NOTES:

1. Distances shown are horizontal ground distances in U.S. feet.
2. Only evidence of easements or structures thereto which are readily apparent from a casual above ground view of premises are shown.
3. The premises shown and described herein are subject to any existing easements, right-of-ways, restrictions and setbacks (whether or not shown on the plat) hereon or whether or not recorded in the public records.
4. No side survey was performed for this survey. The field survey is based upon plats and/or deeds.
5. No encroachments were observed.

## PRELIMINARY PLAT Not for Sales, Recordation or Conveyances

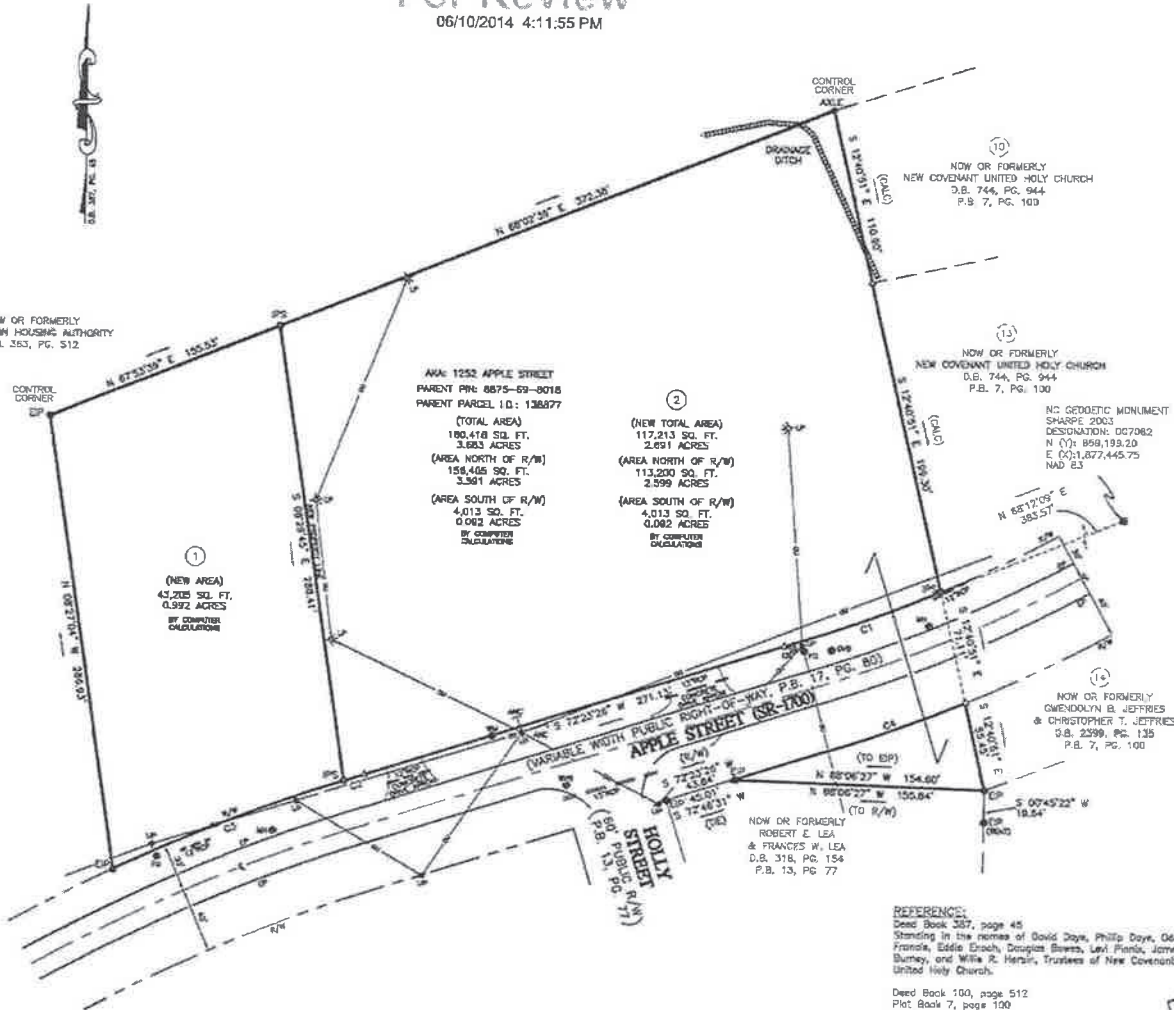
THIS IS A PRELIMINARY MAP  
FOR REVIEW PURPOSES ONLY  
SURVEYOR'S CERTIFICATIONS AND  
SEAL HAVE BEEN PURPOSELY OMITTED

For Review  
06/10/2014 4:11:55 PM

LEGEND  
EF Existing Iron Pipe  
IPS Iron Pipe Set  
C Calculated Point, not set  
CL Center Line  
UL Utility Pole  
LP Light Pole  
ANC Anchor  
EP Edge of Pavement  
R/W Right-of-Way  
RCP Reinforced Concrete Pipe  
WM Water Meter  
ED Electric Box  
FO Fiber Optics Marker  
GVB Gas Valve Box  
WVB Water Valve Box  
MH Manhole  
PIN Property I.D. Number  
-OU- Overhead Utility Line



NOW OR FORMERLY  
BURLINGTON HOUSING AUTHORITY  
D.B. 363, PG. 512



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	882.20'	103.29'	103.23'	S 70°06'21" W	06°40'44"
C2	1187.23'	13.29'	13.29'	S 72°26'05" W	07°41'18"
C3	1187.23'	555.46'	150.33'	S 68°34'04" W	09°03'45"
C4	882.20'	97.78'	97.74'	N 30°32'04" E	05°51'11"

REFERENCE:  
Deed Book 387, page 45  
Standing in the names of David Dye, Philip Dye, Gail  
Francis, Eddie Gresh, Douglas Bensch, Levi Francis, James  
Burney, and Willie R. Hersh, Trustees of New Covenant  
United Holy Church.

Deed Book 100, page 512  
Plat Book 7, page 100  
Plat Book 13, page 77  
Plat Book 17, page 80

CHURCH ADDRESS  
1252 Apple Street  
Burlington, NC 27215

BRIDGE  
(336) 452-5012

### City of Burlington Certification

Recommended by Burlington Planning and Zoning  
Commission on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Signature of Planning  
and Zoning Commission: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by the Burlington City Council on the \_\_\_\_ day  
of \_\_\_\_\_, 2014, provided that the plat be  
recorded within sixty (60) days of final approval.

City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

### Certificate of Ownership and Dedication

We hereby certify that we are the Trustees of the property  
shown and described herein, which was conveyed to us by  
deed recorded in Deed Book \_\_\_\_ Page 45, and that I hereby  
acknowledge this plat and statement to be my free act and  
deed and hereby establish the minimum building lines, and  
dedicate to public use as streets, alleys, crosswalks,  
easements, ponds and other spaces forever as shown or  
indicated. Further, we certify that the property as shown  
herein is within the subdivision regulation jurisdiction of the  
City of Burlington, North Carolina.

Trustee: \_\_\_\_\_ Date: \_\_\_\_\_  
Trustee: \_\_\_\_\_ Date: \_\_\_\_\_

North Carolina, \_\_\_\_\_ County

I, a Notary Public of the County and State aforesaid, certify  
that \_\_\_\_\_ and  
personally appeared before me and acknowledged the execution  
of the foregoing certificate. Witness my hand and seal this \_\_\_\_  
day of \_\_\_\_\_, 2014.

Notary Public  
My Commission expires \_\_\_\_\_

State of North Carolina  
Alamance County

I, Review Officer of Alamance County, certify that the map  
or plat to which this certification is affixed meets all  
statutory requirements for recording.

Review Officer: \_\_\_\_\_ Date: \_\_\_\_\_



FINAL PLAT  
MINOR SUBDIVISION  
FOR

**PRELIMINARY**  
NEW COVENANT UNITED HOLY CHURCH  
BURLINGTON TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA

SCALE: 1" = 50' DATE: 05/23 & 27/2014

DONALD E. ROBINSON LAND SURVEYING  
2132 Nease Road • Graham, NC 27243  
Office (336) 229-5977 • FAX (336) 219-4172



---

---

## MEMORANDUM

---

**TO:** Harold Owen, City Manager

**FROM:** Amy L. Nelson, Director of Planning & Economic Development

**DATE:** July 8, 2014

**SUBJECT:** City Council Agenda – July 15, 2014  
Final Plat Approval – Holly Hill Mall, LLC

---

---

At its meeting on June 23, 2014, the Burlington Planning and Zoning Commission considered an application for final plat approval for Holly Hill Mall, LLC. The property is located west of Huffman Mill Road and north of Ann Elizabeth Drive as shown on plans by Triad Land Surveying dated May 13, 2014, and contains one lot.

Staff recommended approval of the final plat.

The Commission unanimously recommended approval of the final plat.

The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

Please have this item placed on the City Council agenda for its meeting July 15, 2014.

Action required by the Council is to approve the final plat.

ALN/kp



7. Barry I. Callahan, certify that this plot was drawn under my supervision from an actual survey made under my supervision (see description recorded in Book 2910, Page 560, etc. (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Plot Book 75, Page 156; that the ratio of precision as calculated is 1:10,000; that this plot was prepared in accordance with G.S. 47-30 as amended.

Witness My original signature, registration number and Seal

this \_\_\_\_\_ day of \_\_\_\_\_, 2014, A.D.

SEAL OR STAMP	Surveyor L-4774
	Registration Number

Certificate of Review Officer  
STATE OF NORTH CAROLINA  
COUNTY OF ALAMANCE

I \_\_\_\_\_, Review Officer of Alamance County,  
certify that the map or plot to which this certification is affixed  
meets all statutory requirements for recording.

Review Officer	Date
----------------	------

I (We) certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by a deed recorded in Book 2910, Page 560 and that I (we) hereby acknowledge that this plat and allotment to be my (our) free act and deed and do hereby dedicate to public use as streets, rights-of-way, and easements forever, all areas so shown or indicated on said plat.

Owner	Date
Owner	Date

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I \_\_\_\_\_, a Notary Public  
for said County and State, do hereby certify that

Witness my hand and Official Seal this the \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

Recommended by the Burlington Planning and Zoning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed \_\_\_\_\_  
Chairman of Planning and Zoning Commission

Date \_\_\_\_\_

Approved by the Burlington City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, provided that the plat be recorded within sixty (60) days of final approval.

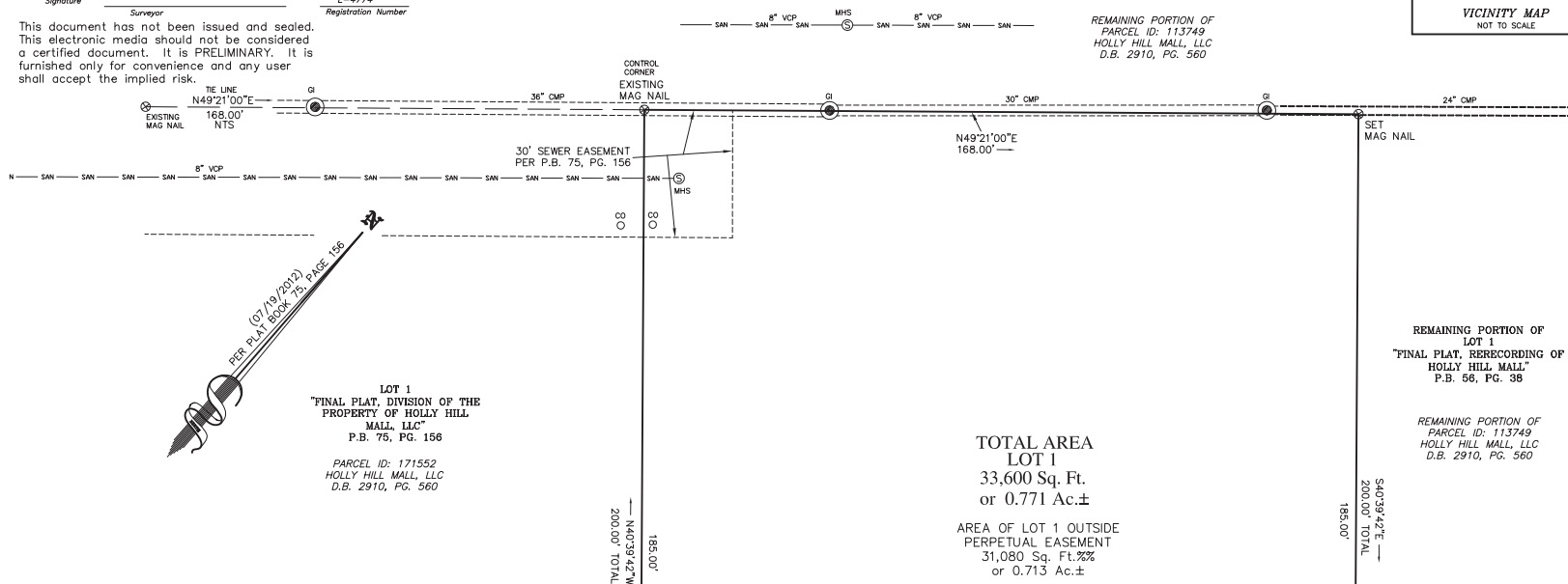
\_\_\_\_\_  
City Clerk    Date

I, Barry I. Callahan Professional Land Surveyor, Number L-4774

- This is not one or more of the following as indicated by an X:
- This plot is of a survey that creates a subdivision of land within the area of a county or municipality.
- This plot is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- This plot is of a survey that is of a survey existing as a portion of land;
- This plot is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of a subdivision;
- The information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained through a deed.

Signature \_\_\_\_\_ L-4774  
Supervisor \_\_\_\_\_ Registration Number

This document has not been issued and sealed. This electronic media should not be considered a certified document. It is PRELIMINARY. It is furnished only for convenience and any user shall accept the implied risk.



1. TOTAL AREA: 33,600 Sq. Ft.± OR 0.771 Ac.±  
2. ALL AREAS SHOWN HEREON ARE BY COMPUTER CALCULATION.  
3. EXISTING ZONING: R-10  
4. DEED REFERENCES: D.B. 2910, PG. 560.  
5. SUBJECT LOT IS ALSO KNOWN AS A PORTION OF LOT 1 OF "FINAL PLAT  
RECORDING OF HOLLY HILL MALL" AS RECORDED IN PLAT BOOK 56,  
PAGE 100.  
6. PROPERTY IS LOCATED WITHIN THE LAKE MACKINTOSH WATERSHED,  
WS IV.  
7. ALL GEODETIC MONUMENTS FOUND WITHIN 2000' OF THIS PROPERTY.  
8. CURRENT OWNER: HOLLY HILL MALL, LLC  
attn: MANAGEMENT OFFICE  
309 HUFFMAN MILL ROAD  
BURLINGTON, N.C. 27215

LEGEND

EXP - EXISTING IRON PIPE	P/V - PROPERTY LINE
NIP - NEW IRON PIPE	R/W - RIGHT-OF-WAY
PIP - IRON PIPE UNDER ROAD	SP - PARKING SPACE
PT - NON-MAGNETIC POINT	EE - EDGE OF PAVING
PX - NON-IRON KRYLOK	EG - EDGE OF CONCRETE
MG - MAGNETIC	ED - EDGE GRAVEL
B.B. - BEEB BOOK	CO - CONCRETE
B.K. - BEEB KRYLOK	SE - SEWER MAIN HOLE
T.B. - TOP BACK OF CURB	MD - MHD - STORM MAIN HOLE
WV - WATER VALVE	MG - GAS MAIN HOLE
WM - WATER METER	GM - GAS METER
CL - CLEAN OUT	GV - GAS VALVE
CU - UTILITY	GR - GRADE IRATE
GL - GROUND LIGHT POLE	GC - GAS CONG. PIPE
GL - GROUND GAS TANK	CB - CATCH BASIN
TP - TELEPHONE	HYAC - HEATING, VENTILATION
FE - FEDERAL	COND - CONDITIONING
PE - PEDESTAL	HD - HIGH DENSITY
C/L - CENTER LINE	PV - POLYETHYLENE PIPE
CF - CHAIN LINK FENCE	VCP - VITRIFIED CLAY PIPE
NLS - NOT TO SCALE	DUP - DUCTILE IRON PIPE
AS - ASBESTOS	EP - EXPOSED PLASTIC
SAH - SANITARY SEWER LINE	CMP - CORRUGATED METAL PIPE
	CHU - OVERHEAD UTILITY LINE(S)

P\L - PROPERTY LINE  
R\W - RIGHT-OF-WAY  
PS - PARKING SPACE  
EP - EDGE OF PAVING  
EC - EDGE CONCRETE  
EG - EDGE GRAVEL  
CC - CONCRETE  
(S) -MHS - SEWER MAIN  
(M) -MHD - STORM MAIN

MHG - GAS MAN HOLE  
GM - GAS METER  
GV - GAS VALVE  
GI - GRATE INLET  
CB - CATCH BASIN  
RCP - REINF. CONC. PIPE  
HVAC - HEATING, VENTILATION  
AIR-CONDITIONING  
HDPE - HIGH DENSITY  
POLYETHYLENE PIPE  
VCP - VTRIFIED CLAY PIPE  
DIP - DUCTILE IRON PIPE  
CPP - CORRUGATED PLASTIC PIPE  
CMP - CORRUGATED METAL PIPE  
-OHU - OVERHEAD UTILITY  
LINE(S)

Note:  
This plat was prepared without the benefit of a full title search and is subject to any Easements, Agreements, or Rights-of-Way of record prior to the date of this plat, which was not visible at the time of my inspection.

This map or drawing and any accompanying documents are furnished to the person(s) named thereon and no alterations or use by others is permitted unless authorized by TRIAD LAND SURVEYING, P.C.

\\14337\dwg\RECORD PLAT.dwg

REMAINING PORTION OF  
LOT 1  
"FINAL PLAT, RERECORDING OF  
HOLLY HILL MALL"  
P.B. 56, PG. 38

REMAINING PORTION OF  
PARCEL ID: 113749  
HOLLY HILL MALL, LLC  
D.B. 2910, PG. 560

REMAINING PORTION OF  
LOT 1  
"FINAL PLAT, RERECORDING OF  
HOLLY HILL MALL"  
P.B. 56, PG. 38

REMAINING PORTION OF  
PARCEL ID: 113749  
HOLLY HILL MALL, LLC  
D.B. 2910, PG. 560

TOTAL AREA  
LOT 1  
33,600 Sq. Ft.  
or 0.771 Ac.±

AREA OF LOT 1 OUTSIDE  
PERPETUAL EASEMENT  
31,080 Sq. Ft.%%  
or 0.713 Ac.±

*HUFFMAN MILL ROAD*  
PUBLIC R/W WIDTH VARIES

FINAL PLAT FOR  
**HOLLY HILL MALL, LLC**  
 BEING A PORTION OF TAX PARCEL ID: 113749  
 CITY OF BURLINGTON      BURLINGTON TOWNSHIP,  
 ALAMANCE COUNTY,      NORTH CAROLINA

SCALE: 1" = 20' MAY 13, 2014

Graphic Scale



A horizontal line with vertical tick marks at 0, 10, 20, 40, and 60 feet. The text '0'', '10'', '20'', '40'', and '60'' is placed below the corresponding tick marks.

Prepared by  
**TRIAD LAND SURVEYING, P.C.**  
 935 E. MOUNTAIN STREET, SUITE H  
 KERNERSVILLE, N.C. 27284  
 TEL: (336) 993-9650  
 FAX: (336) 993-9654  
 web site: [triadlandsurveying.com](http://triadlandsurveying.com)  
 N.C. License: C-2142

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015- 1 - CDBG - HOME Program -  
Loan Repayments

**DATE:** July 7, 2014

Attached is a copy of a memorandum from Shawna Tillery, Community Development Administrator, requesting that we recognize funds earned from the repayment of HOME City housing rehabilitation loans. The HOME City repayments allow the Community Development Office to use the proceeds from the loan repayments for eligible HOME Program housing pursuant to federal regulations.

Please ask the City Council to amend the 2014-15 Budget at its July 15<sup>th</sup> meeting.

BA2015-1

Increase Revenues:

555-33611-0000 HOME Program Funds City	\$ 26,000
--	-----------

Increase Expenditures:

555-50014-6910 Homeowner Housing Rehab City 2014	\$ 26,000
--	-----------

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Amy Nelson, Planning Director  
Shawna Tillery, Community Development Administrator  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk

## MEMORANDUM

**TO:** Peggy Reece, Finance Director

**FROM:** Shawna Tillery, CD Administrator

**DATE:** June 24, 2014

**SUBJECT:** City Council Agenda –July 15, 2014 HOME Program Budget Amendment

Please request City Council at the July 15, 2014 meeting to consider approving an amendment to the HOME Program budget. The proposed amendment will enable the City to spend funds earned from the monthly repayment of HOME City housing rehabilitation loans. The HOME City repayments have increased compared to the original projected income. The budget amendment will allow the Community Development Office to use the loan repayments for eligible HOME Program housing activities pursuant to federal regulations.

Please amend the 2014-15 budget to increase the following HOME Program account by this amount:

Increase Revenue:

555-33611-0000	HOME Program Funds City	\$26,000
----------------	-------------------------	----------

Increase Expenditures:

555-50014-6910	Homeowner Housing Rehab City 2014	\$26,000
----------------	-----------------------------------	----------

If you need additional information, please advise me.

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015-4 - Recreation - PTCOG  
and MIPPA Outreach Funding

**DATE:** July 9, 2014

Attached is a copy of a memorandum from Jane Smith, Community Centers Supervisor, outlining funding awarded to the John Robert Kernodle Senior Center in the amount of \$500. The money was awarded by the Piedmont Triad Council of Governments' Partnering Sponsorship and the MIPPA Outreach Funding and does not require a City-match. The money will be used to print newsletters advertising the Low Income Subsidy Program.

Please ask the City Council to amend the 2014-2015 Budget at its July 15<sup>th</sup> meeting as follows.

### BA2015-4

#### Increase Revenues:

010-33400-6260 PTCOG Grants	\$500
-----------------------------	-------

#### Increase Expenditures:

010-62626-3300 Departmental Supplies	\$500
--------------------------------------	-------

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Tony Laws, Director of Recreation & Parks  
Jane Smith, Community Centers Supervisor  
Lisa Wolff, Superintendent of Recreation Programming  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk

## Budget Amendment

TO: Peggy Reece, Director of Finance & Risk Management

FROM: Jane Smith, Community Centers Supervisor/Senior Adult Activities

SUBJECT: Budget Amendment

DATE: July 7, 2014

Attached is a copy of the Piedmont Regional Council of Governments' Partnering Sponsorship and MIPPA Outreach Funding for the senior center in the amount of \$ 500.00. This money will be used toward the printing of the newsletter to advertise the Low Income Subsidy Program.

Please ask the City Council to amend the 2014-2015 Budget at its July 15<sup>th</sup> meeting.

### Increased Revenues:

010-33400-6260 PTRC Grants	\$500.00
----------------------------	----------

### Increase Expenditures:

010-62626-3300 Departmental Supplies	\$500.00
--------------------------------------	----------

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager  
**FROM:** Peggy Reece, Director of Finance & Risk Management  
**SUBJECT:** Budget Amendment 2015-5- RICO Appropriations  
**DATE:** July 9, 2014

Attached is a copy of a memorandum from Steve Smith, Police Captain, requesting a budget amendment for the use of RICO funds for expenditures involving the acquisition of much needed equipment, training materials, uniforms, and software.

Please ask the City Council to amend the 2014-2015 Budget at its July 15<sup>th</sup> meeting as follows:

### BA2015-5

#### Increase Revenues:

013-39398-0000	Appropriated Fund Balance	\$ 93,980
----------------	---------------------------	-----------

#### Increase Expenditures:

013-52520-1100	Telephone	\$ 2,880
013-52520-1401	Training	11,340
013-52520-1500	Maint/Repair Bldg & Grounds	26,200
013-52520-1900	Professional Services	6,000
013-52520-3300	Supplies	16,425
013-52520-3390	Equipment not Capitalized	24,135
013-52520-7400	Equipment	7,000

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Steve Smith, Police Captain  
Jeffrey Smythe, Chief of Police  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk



---

---

**FROM THE DESK OF CAPTAIN STEVE SMITH**

---

---

**TO:** Peggy Reece, Director of Finance and Risk Management  
Chief Jeffrey Smythe, Chief of Police

**FROM:** Captain Steve Smith

**SUBJECT:** Budget Amendment for RICO Appropriations

**DATE:** July 7, 2014

---

The Police Department is requesting use of RICO funds for expenditures for the purchase of the items that are described below. The total amount of the Budget Amendment will be \$93,980.00. There are currently \$274, 208.60 in the RICO account. After this Budget Amendment there will be \$180,228.60 revenue funds available.

The expenditures include:

013-52520-1100 Telephone

DARE Officers Stipends	\$2,880.00
------------------------	------------

013-52520-1401 Training

Administrative Officers Management Program	\$11,340.00
--	-------------

013-52520-1500 Maint/Repair Bldg & Grounds

Belmont Training Facility	\$17,000.00
Quarry Road Training Facility	\$9,200.00

013-52520-1900 Professional Services

Geofeedia Investigative Services	\$6,000.00
----------------------------------	------------

013-52520-3300 Supplies

DARE supplies	\$16,425.00
---------------	-------------

013-52520-3390 Equipment Not-Capitalized

Ballistic Shields (10)	\$10,000.00
Camera	\$600.00
Body Worn Video Cameras (10)	\$10,535.00
Belmont Training Facility Equipment	\$3,000.00

01352520-7400 Equipment

Training Equipment	\$7,000.00
--------------------	------------

<b>Total</b>	<b>\$93,980.00</b>
--------------	--------------------

Respectfully,

Captain Steve Smith

cc: Harold Owen  
Brad Bullis





# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015-6 - 2013-2014 Projects  
Carried Forward

**DATE:** July 11, 2014

The following budget amendment is required to bring forward projects authorized and not completed in Fiscal Year 2013-2014.

Please ask the City Council to amend the 2014-2015 Budget at its July 15<sup>th</sup> meeting as follows:

### BA2015-6

#### GENERAL FUND

##### Increase Revenues:

010-39398-0001 Approp. Restr. Fund Balance	\$1,063,700
--	-------------

##### Increase Expenditures:

###### Planning

010-49491-1900 Professional Services	\$ 53,820
--------------------------------------	-----------

###### Police - Animal Services - Shelter

010-51522-7400 Equipment	36,166
--------------------------	--------

###### Public Works - Maintenance - Paved Streets

010-56562-4510 Contracted Debris Removal	98,000
--	--------

010-56562-7301 Resurfacing/Patching	849,905
-------------------------------------	---------

010-56562-7302 Sidewalk Construction	3,309
--------------------------------------	-------

010-56562-7304 Intersection Improvements	22,500
--	--------

#### WATER & SEWER FUND

##### Increase Revenues:

030-39398-0002 Approp. Restr. Fund Balance	\$1,684,951
--	-------------

Increase Expenditures:

Water Line Maint/Repair	
030-72702-7500 Construction in Progress	\$ 48,683
Sewer Line Maint/Repair	
030-73703-7400 Equipment	46,383
Water Line Service & Construction	
030-74704-1900 Consultant Services Water	61,094
Sewer Line Service & Construction	
030-75705-1900 Professional Services	69,147
030-75705-7300 Capital Other Improvements	1,215,534
Ed Thomas Water Plant	
030-83803-1900 Professional Services	45,797
030-83803-7200 Buildings	17,363
MacIntosh Water Plant	
030-84804-7200 Buildings	23,875
South Burlington Waste Treatment Plant	
030-85805-7200 Buildings	84,000
Water & Sewer - Plant Maintenance	
030-86806-7200 Buildings	73,075

FIRE - STATION No. 6

Decrease Expenses:

453-50000-1900 Professional Services	\$272,980
--------------------------------------	-----------

Increase Expenses:

453-60000-7200 Buildings	\$272,980
--------------------------	-----------

WHITE'S KENNEL SEWER LINE

Increase Revenues:

038-39000-0000 Appr. Fund Bal. Sewer Cap Res	\$ 39,479
635-38000-0038 Oper. Trans In White's Kennel	39,479

Increase Expenditures:

038-70000-9106 Oper. Trans Out Sewer Cap Res	\$ 39,479
635-60001-7300 White's Kennel Sewer Line	39,479

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Nolan Kirkman, Director of Development & Technical Svcs  
Amy Nelson, Planning Director  
Bob Patterson, Water Resources Director  
Jay Smith, Fire Chief  
Jeff Smythe, Police Chief  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk

### FY 13-14 Carry Forward Items

Item	Department	PO#	Account#	Balance	Vendor
COB Comprehensive Plan	Planning	491-0000039	010-49491-1900	\$53,820.00	Ratio Architects
Animal Van Conversion Floor	Animal Shelter	522-0000119	010-51522-7400	\$16,505.00	Mavron
Van	Animal Control	522-0000120	010-51522-7400	\$19,661.00	Stearns Ford
Debris Removal	Street	562-0000272	010-56562-4510	\$98,000.00	Phillips & Jordan
Resurfacing Contract 2014	Street	562-0000280	010-56562-7301	\$849,905.00	Riley Paving
Tarleton Street Sidewalk	Street	562-0000283	010-56562-7302	\$3,309.00	C&J Utilities
Intersection Feasibility Study	Street	562-0000286	010-56562-7304	\$22,500.00	Alley Willams Carmen & King
<b>Totals</b>				<b>\$1,063,700.00</b>	

### FY 13-14 Carry Forward Items

Item	Department	PO#	Account#	Balance	Vendor
2" Waterline replacement	W & S	702-0000229	030-72702-7500	\$48,683.00	Citty's Plumbing & Pools
Auger Machine	W & S	703-0000197	030-73703-7400	\$46,383.00	Vermeer Mid Atlantic
87N Water Main Ext.	W & S	704-0000139	030-74704-1900	\$61,094.00	US Infrastructure
Little Alamance Outfall Sewer	W & S	705-0000069	030-75705-1900	\$23,005.00	Hydrostructures
Haw River Inceptor phase 1	W & S	705-0000072	030-75705-1900	\$46,142.00	Kimley-Horn
Cleaning, TV Inspec., & CIPP	W & S	705-0000070	030-75705-7300	\$200,470.00	Insituform
Little Alamance Outfall Sewer	W & S	705-0000071	030-75705-7300	\$1,015,064.00	Layne Inliner
Investigation and testing...	Ed Thomas	803-0000249	030-83803-1900	\$45,797.00	SKA Consulting Engineers
Install & rewire for pump #6	Ed Thomas	803-0000251	030-83803-7200	\$17,363.00	The Perkinson Co
Chlorinator	Mackintosh	804-0000454	030-84804-7200	\$23,875.00	Piedmont Chlorinator Sales
SCADA Hardware & Software	SWWTP	805-0000414	030-85805-7200	\$46,700.00	Custom Controls Unlimited
Transformer	SWWTP	805-0000413	030-85805-7200	\$37,300.00	VIA Electric
Launder Covers	EBWWT	806-0000728	030-86806-7200	\$43,501.00	EW2
Dump Pit	EBWWTP	806-0000747	030-86806-7200	\$29,574.00	KM Machine
<b>Totals</b>				<b>\$1,684,951.00</b>	

### FY 13-14 Carry Forward Items

Item	Department	PO#	Account#	Balance	Vendor
Design Services	Fire Department	530-0000042	453-60000-7200	\$246,005.00	Stewart-Cooper-Newell
White's Kennel Sanitary Sewer	Engineering	493-0000092	635-60001-7300	\$67,685.00	C&J Utilities
<b>Totals</b>				<b>\$313,690.00</b>	

---

---

## MEMORANDUM

---

**TO:** Harold Owen, City Manager

**FROM:** Amy L. Nelson, Director of Planning & Economic Development

**DATE:** July 8, 2014

**SUBJECT:** City Council Agenda – July 15, 2014  
Public hearing to rezone properties located east of University Dr., south of South Church St. and west of Huffman Lane. For the use of a Unified Business Development and O&I uses. This meeting was continued from the June 17, 2014 City Council meeting.  
Alamance County plat book 76 page 238.

---

---

At the May 19, 2014, meeting of the Burlington Planning and Zoning Commission, Mr. Lawson Brown presented an application to rezone from R-15 Residential District to CB-Conditional Business District for the use of a Unified Business Development and CO&I Conditional Office and Institutional District for uses specified from the table of permitted uses under Office and Institutional zoning with the exception of boarding houses and veterinary offices. The property is located east of University Dr., south of South Church St. and west of Huffman Lane, as shown on Alamance County plat book 76 page 238. This meeting was continued from the June 17, 2014 City Council meeting.

The Commission voted 4 to 1 recommending approval of the rezoning.

Staff recommended approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner.

In addition, the Commission recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the rezoning. The Commission found that the zoning changes as requested would not adversely affect the adjoining property, would be in keeping with land use planning in the area and was consistent with the Comprehensive Land Use Plan for Burlington and its environs.

This matter was advertised as required for a public hearing before the City Council on June 17, 2014, and abutting property owners were properly notified. Please have this item placed on the City Council agenda for July 15, 2014. Action required by Council is approval of the following ordinance.

If the Council approves the request, the following ordinance should be adopted:

**ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property located east of University Dr., south of South Church St. and west of Huffman Lane for the use of a Unified Business Development and CO&I Conditional Office and Institutional District for uses specified from the table of permitted uses under Office and Institutional zoning with the exception of boarding houses and veterinary offices.)**

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from R-15 Residential District to CB-Conditional Business District subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located east of University Dr., south of South Church St. and west of Huffman Lane, as shown on Alamance County plat book 76 page 238.

Section 2. That the rezoning from R-15 Residential District to CB-Conditional Business District is hereby authorized subject to the following Use and Development Conditions:

**Use Conditions:**

**Within the Conditional Business portion of the Property:**

1. The maximum number of lots shall be five(5);
2. The maximum square footage should not exceed forty-thousand (40,000) for each building;
3. All uses shall be consistent with the uses specified for unified business developments under Code 32.10QQ with the exception of 32.10QQ(1) including without limitation the following uses: no adult book stores, adult video stores, adult cabarets, adult motel, boarding and rooming houses, churches, drive in theaters, heliports, helistops, sheet metal and roofing shops, swimming pools (community non-profit), transportation terminals (freight), all travel trailer parks, and businesses that dispenses or store petroleum products including without limitation convenience stores with gasoline pumps; and
4. The buildings will be no more than twenty-eight (28) feet in height.

**Within the Conditional O & I portion of the Property:**

1. The maximum number of lots shall be one (1);
2. The maximum square footage of the buildings shall not exceed Six Thousand Five Hundred (6,500) square feet; and
3. All uses shall be consistent with the uses specified from the Table of Permitted Uses for the City of Burlington under office and institutional zoning with the exception of the following was: boarding houses and veterinary offices.

**Development Conditions**

1. The development shall adhere to the landscaping requirements per section 32.11A of the City of Burlington Zoning Ordinance;

2. The signage will be in accordance with the Unified Business Development Ordinance per §32.12.FF and the Western Loop Requirements per §32.2A.D (1) (e-m) of the City of Burlington's requirements as opposed to the General Business (B-2) standards;
3. There will be cross access easements provided to the contiguous property to the north if the property to the north is developed. The location of the cross access easements will be determined at the time of development of the property to the north;
4. Stormwater will be consistent with the City mandated standards at the time of development;
5. The parcel located in the Extraterritorial Jurisdiction will be annexed prior to the issuance of any building permit;
6. Prior the issuance of a building permit for any building, the Planning Director and Technical Review Committee, must approve the individual Site Plan in writing; and
7. Applicant will comply with all requirements for driveway permits for the N.C. Department of Transportation. This shall include but not be limited to upgrading the traffic signal at Waterford Commercial to four-way full service.
8. The main entrance along University Drive shall be aligned with the drive entrance to the west across University Drive per City and DOT requirements.
9. The actual configuration of the lots will be determined at the time of development.
10. The right-in entrance to the south of the property may be a right in/right out per City and DOT requirements.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

If you have any questions concerning this item, please advise.

ALN/kp

C: Charles Bateman, City Attorney

### **STATEMENT OF CONSISTENCY**

The City Council finds that the above amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with existing land uses and will provide for the adaptive reuse of the property being rezoned.

# CITY OF BURLINGTON PLANNING DEPARTMENT

## REZONING APPLICATION

DATE SUBMITTED 5/2/14 FEE/RECEIPT NO. \$750.00 / 73-73

This application will not be processed until application fees are paid, the form below is completed and signed and all required maps, plans and documents have been submitted to the satisfaction of the Planning Department. (Additional space for tax references and signatures on Page 4)

Pursuant to Section 32.19 of the City of Burlington Zoning Ordinance, the undersigned requests to rezone from \_\_\_\_\_ zoning district to CB & CO&I zoning district property located University Drive, east side across from Waterford Commons

being a total of \_\_\_\_\_ acres and further referenced on Alamance County or Guilford County Tax Map as follows:

Tax Map 8844474896 Old Tax Map 3-27-78

Tax Map 8844486139 Old Tax Map 3-27-6

### Check One:

- ☐ The property requested for rezoning is an entire parcel or parcels as listed on the above tax map.
- ☐ The property requested for rezoning is a portion of a parcel or parcels as listed on the above tax map and a written legal description of the property and a map are attached.

### Check one:

- ☐ Public services (i.e., water and sewer) are not requested or required.
- ☐ Public services (i.e., water and sewer) are requested or required.

### Check one:

- ☐ The applicant is the property owner(s).
- ☒ The applicant is an agent representing the property owner(s).
- ☐ The applicant has an option to purchase or lease the property.
- ☐ The applicant has no connection to the property owner and is requesting a third-party rezoning.

*I hereby agree to conform to all applicable laws of the City of Burlington and State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives of the City of Burlington Planning Department may enter the subject property for the purpose of investigation and analysis of this request.*  
*Respectfully submitted, (Additional space on Page 4)*

Property Owner's Signature

Representative's Signature (if applicable)

Bellean Wood Development, LLC  
Name of Firm (if applicable)

Name of Firm

415 Pisgah Church Road #363  
Mailing Address

Mailing Address

Greensboro, NC 27655  
City, State and Zip Code

City, State and Zip Code

336-430-0969



Additional Tax Map References (continued from Page 3)

Tax Map 8844473414 Old Tax Map # 3-27-76  
Tax Map \_\_\_\_\_  
Tax Map \_\_\_\_\_  
Tax Map \_\_\_\_\_  
Tax Map \_\_\_\_\_  
Tax Map \_\_\_\_\_  
Tax Map \_\_\_\_\_  
Tax Map \_\_\_\_\_

Additional Signatures (continued from Page 3)

<u>James L Collins</u> Applicant's Signature	_____ Applicant's Signature
<u>Concept Builders, Inc.</u> Name of Firm (if applicable)	_____ Name of Firm (if applicable)
<u>P.O. Box 2507</u> Mailing Address	_____ Mailing Address
<u>Burlington, NC 27216</u> City, State and Zip Code	_____ City, State and Zip Code
<u>336-228-0490</u> Area Code and Daytime Telephone Number	_____ Area Code and Daytime Telephone Number
_____ Applicant's Signature	_____ Applicant's Signature
_____ Name of Firm (if applicable)	_____ Name of Firm (if applicable)
_____ Mailing Address	_____ Mailing Address
_____ City, State and Zip Code	_____ City, State and Zip Code
_____ Area Code and Daytime Telephone Number	_____ Area Code and Daytime Telephone Number



CITY OF BURLINGTON PLANNING DEPARTMENT  
USE CONDITIONS

1. Within the Conditional Business portion of the Property:
  - A. The maximum number of lots shall be five (5);
  - B. The maximum square footage should not exceed forty-thousand (40,000) for each building;
  - C. All uses shall be consistent with the uses specified for unified business developments under Code 32.10QQ with the exception of 32.10QQ(1) including without limitation the following uses: no adult book stores, adult video stores, adult cabarets, adult motels, boarding and rooming houses, churches, drive in theaters, heliports, helistops, sheet metal and roofing shops, swimming pools (community non-profit), transportation terminals (freight), all travel trailer parks, and businesses that dispenses or store petroleum products including without limitation convenience stores with gasoline pumps; and
  - D. The buildings will be no more than twenty-eight (28) feet in height.
2. Within the Conditional O & I Portion of the Property:
  - A. The maximum number of lots shall be one (1);
  - B. The maximum square footage of the buildings shall not exceed Six Thousand Five Hundred (6,500) square feet; and
  - C. All uses shall be consistent with the uses specified from the Table of Permitted Uses for the City of Burlington under office and institutional zoning with the exception of the following was: boarding houses and veterinary offices.
3. Development Conditions
  - A. The development shall adhere to the landscaping requirements per section 32.11A of the City of Burlington Zoning Ordinance;
  - B. The signage will be in accordance with the Unified Business Development Ordinance per §32-12.FF and the Western Loop Requirements per §32.2A.D(1)(e-m) of the City of Burlington's requirements as opposed to the General Business (B-2) standards;
  - C. There will be cross access easements provided to the contiguous property to the north if the property to the north is developed. The location of the cross access easements will be determined at the time of development of the property to the north;
  - D. Stormwater will be consistent with the City mandated standards at the time of development;
  - E. The parcel located in the Extraterritorial Jurisdiction will be annexed prior to the issuance of any building permit;
  - F. Prior to the issuance of a building permit for any building, the Planning Director and Technical Review Committee, must approve the individual Site Plan in writing; and
  - G. Applicant will comply with all requirements for driveway permits from the N.C. Department of Transportation. This shall include but not be limited to upgrading the traffic signal at Waterford Commercial to four-way full service.
  - H. The main entrance along University Drive shall be aligned with the drive entrance to the west across University Drive per City and DOT requirements.
  - I. The actual configuration of the lots will be determined at the time of development.
  - J. The right-in entrance to the south of the property may be a right in/ right out per City and DOT requirements.





City of Burlington  
Zoning & Parcel  
Information System



City of Burlington  
GIS Division

Last Update:  
June 02, 2009

**Legend**

**Zoning**

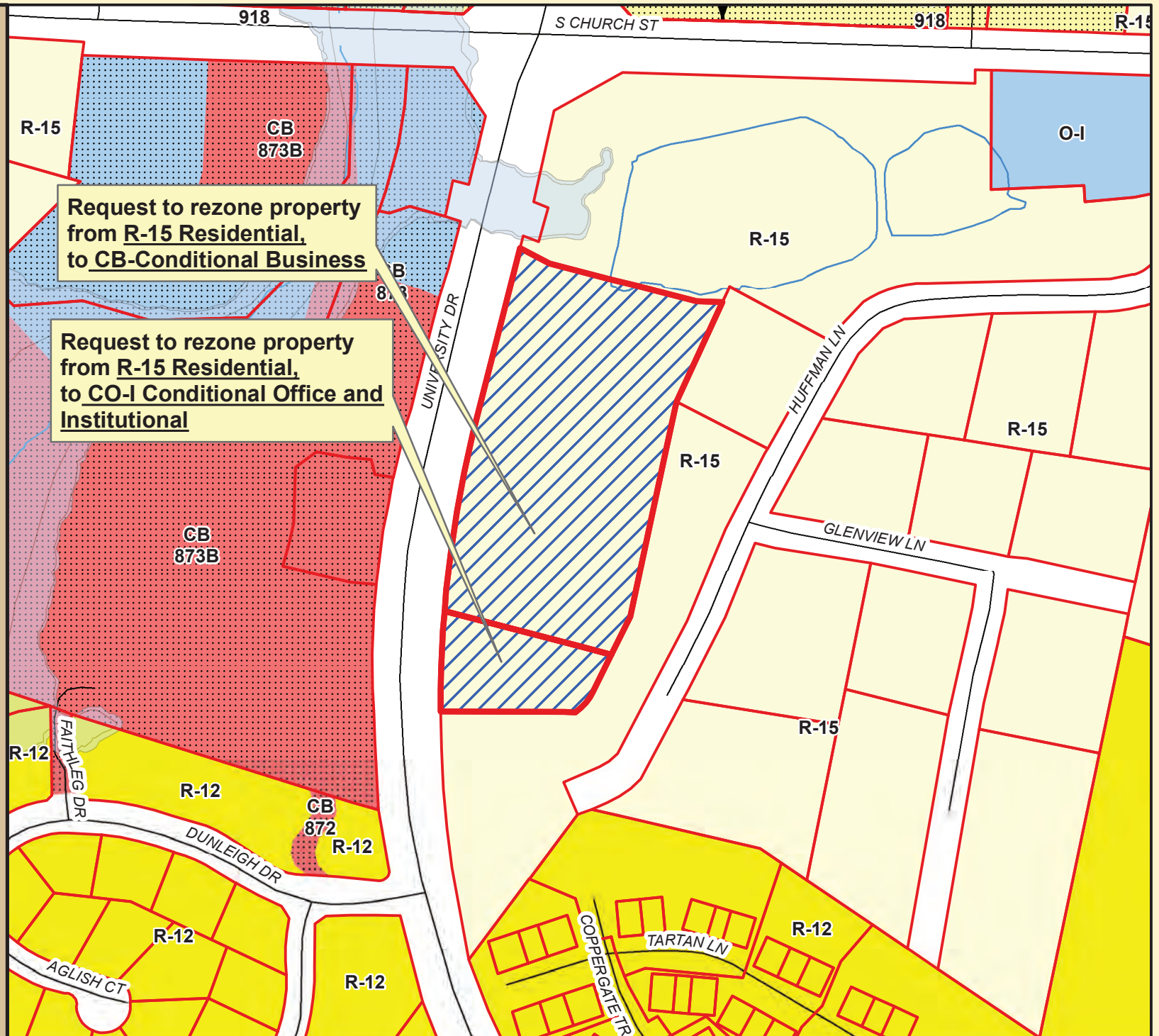
B-1	I-3
B-2	MF-A
B-3	MF-B
CB	O-I
CI	RO-I
CMX-C	CPEC
CMX-R	R-6
CO-I	R-9
CR	R-12
I-1	R-15
I-1A	R-30
I-2	R-M



1 inch = 250 feet

**Disclaimer**

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or supporting data.





# WESTERN LOOP PLANNING AREA FUTURE LAND USE

ADOPTED: NOVEMBER 7, 2006



City of Burlington, GIS Division

## Legend

- Approximate County Line
- Other Municipal Boundaries
- Burlington Municipal Boundaries
- Tax Parcels
- Street Centerlines
- Proposed Roads
- Surface Streams
- Lakes and Ponds

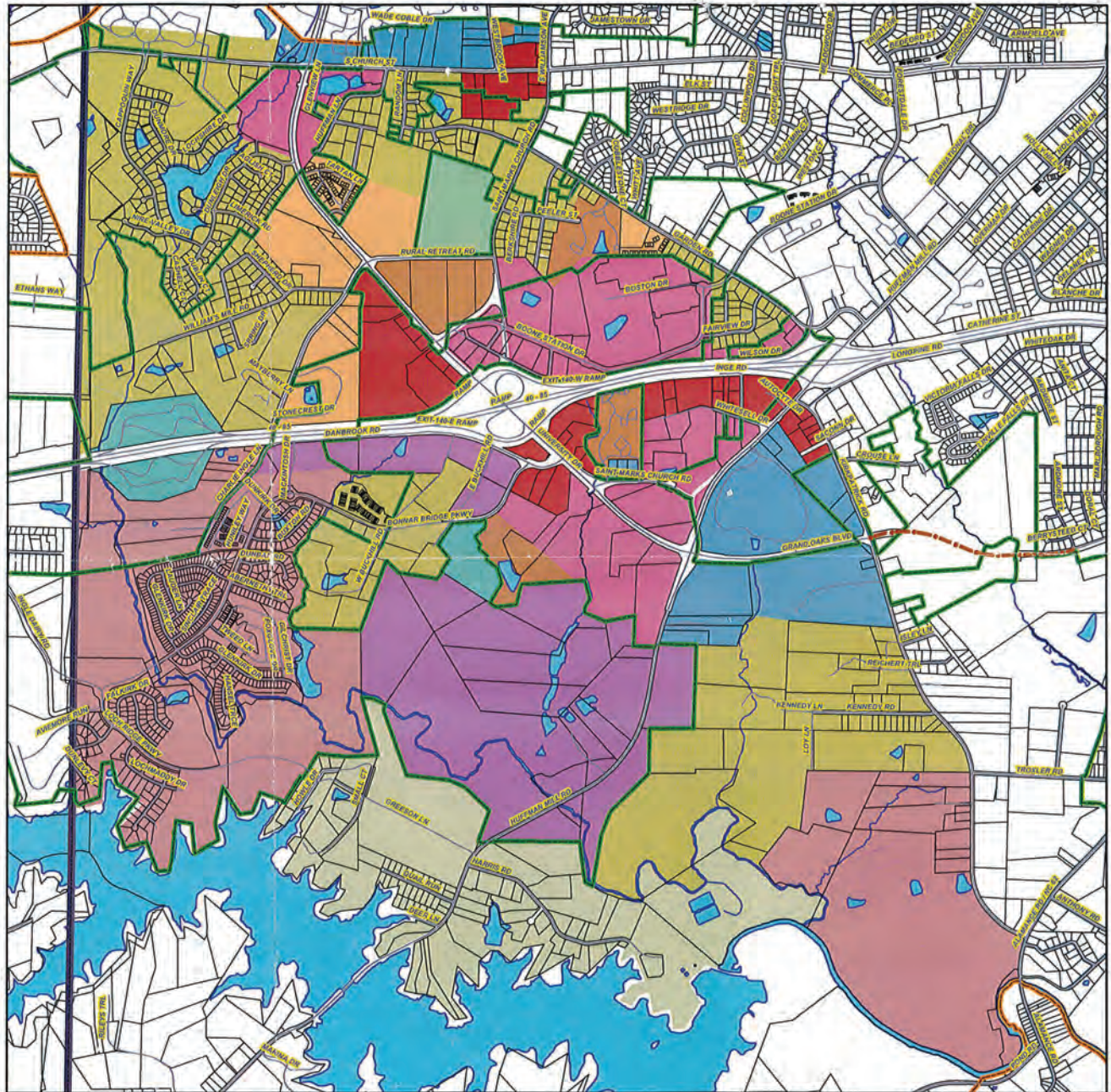
## Future Land Use Categories

- High Density Residential
- Medium-High Density Residential
- Medium-Low Density Residential
- Low Density Residential
- Planned Community - Residential
- Planned Community - Mixed Use
- Limited Commercial
- Office/Hospital Support Services
- Employment Center/Corporate Park
- Other Public
- Park



1 inch equals 1,700 feet

This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy; leading to inconsistencies among features represented together on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.





## WESTERN LOOP PLANNING AREA LAND USE CONCEPTS

The following table lists Land Use Concepts that have been presented on the Western Loop Land Use Concept Plan. The land use types include a brief description of each use and some defining characteristics.

Land Use Type	Description	Characteristics	Uses	Potential Zoning
Planned Community Mixed-Use	A pedestrian-friendly, community focal point containing a mixture of uses with ample sidewalks, street trees, on-street parking, public amenities and open space. The goal is to allow for growth while maintaining and enhancing the quality of life.	<ul style="list-style-type: none"> <li>• Located near the interchange of an Interstate</li> <li>• Designed with the pedestrian in mind</li> <li>• Large amounts of continuous blank facades are discouraged</li> <li>• Landscaping should be emphasized</li> <li>• Provide interconnectivity between developments</li> <li>• Limited access/curb cuts</li> </ul>	Multi-family, townhomes, condos, Office, and Commercial development	Planned Unit Development (PUD), Conditional Zoning
Limited Commercial Node	A planned commercial area that offers limited services to serve the surrounding community.	<ul style="list-style-type: none"> <li>• Limited commercial development</li> <li>• Located at an intersection of predominant roads</li> <li>• Limited Access</li> </ul>	Limited commercial uses (i.e. hotel, conference facilities, restaurants (sit-down dining))	Planned Employment Center (PEC), Conditional Zoning
Neighborhood Business	The public/commercial focal point within one or more neighborhoods that provides a mix of commercial, office, institutional and residential uses at the neighborhood scale.	<ul style="list-style-type: none"> <li>• Limited commercial development</li> <li>• Serves the surrounding neighborhood</li> <li>• Located at an intersection of predominant roads</li> <li>• Pedestrian and automobile access</li> <li>• Design Compliments surrounding neighborhoods</li> </ul>	Limited commercial uses (i.e. grocery store, offices, specialty stores, etc.), single-family residential, and dwellings above stores, "Big-Box" and strip developments should be prohibited.	Planned Unit Development (PUD), Conditional Zoning, Neighborhood Business (B-1)
Employment Center/ Corporate Park	An area designed for office parks, research campuses, and some limited light industry for the manufacturing and processing of goods.	<ul style="list-style-type: none"> <li>• Interstate accessible</li> <li>• Campus like atmosphere</li> <li>• Emphasis on landscaping and building design</li> <li>• Larger sites</li> <li>• Enforce buffers between adjoining land uses</li> </ul>	Light industry, office, and institutional uses. Limited accessory commercial uses.	Planned Employment Center (PEC)

Land Use Type	Description	Characteristics	Uses	Potential Zoning
Office/Hospital Support Services	An area designated for office and medical services.	<ul style="list-style-type: none"> <li>• Close proximity to hospital</li> <li>• Campus like atmosphere</li> <li>• Emphasis on landscaping and building design</li> </ul>	Office, medical research, medical support services	Office – Institution (O&I)
Planned Community Residential	A regional development that is planned to provide a mix of residential uses with a limited amount of commercial/office.	<ul style="list-style-type: none"> <li>• Reminiscent of early town development</li> <li>• Provides places to live, work, and shop</li> <li>• Pedestrian oriented</li> <li>• Mix of densities and building types</li> </ul>	Single-family, multi-family, townhouses, condos, limited commercial uses (i.e. grocery store, offices, specialty stores, etc.), "Big-Box" and strip developments should be prohibited	Planned Unit Development (PUD), Conditional Zoning
High Density Residential	A district designed to provide for multi-family development. Districts are usually located in close proximity to major roads and commercial development	<ul style="list-style-type: none"> <li>• Provide interconnectivity between developments</li> <li>• Includes pedestrian amenities/greenways</li> <li>• Limited access/curb cuts</li> </ul>	Multi-family, townhomes, condos	MF-A & MF-B, R-6
Medium-High Density Residential	A district that provides for a mix in residential developments.	<ul style="list-style-type: none"> <li>• A variety of residential types</li> <li>• Small neighborhood parks</li> <li>• Includes pedestrian amenities/greenways</li> </ul>	Single Family Residential, townhomes, condos	R-9, R-12, R-15
Medium-Low Density Residential	A district that provides for the development of conventional subdivisions at medium to low densities.	<ul style="list-style-type: none"> <li>• Located outside commercial areas</li> <li>• Provide interconnectivity between developments</li> <li>• Preserves open space/ create greenways</li> <li>• Protect environmentally sensitive areas</li> </ul>	Single Family Residential	R-12, R-15, R-30
Low Density Residential	A district that provides for the development of conventional or cluster subdivisions at overall low densities.	<ul style="list-style-type: none"> <li>• Located outside commercial areas</li> <li>• Preserves open space/ create greenways</li> <li>• Protect environmentally sensitive areas</li> </ul>	Single Family Residential	R-30



STATE OF NORTH CAROLINA  
**DEPARTMENT OF TRANSPORTATION**

PAT McCrory  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

May 16, 2014

**ALAMANCE COUNTY**

Frank Amenya, PE, PTOE  
Davenport  
305 West Fourth St.  
Suite 2A  
Winston Salem, NC 27101

Subject: Proposed Burlington University North Plaza Mixed Use Development  
Located on SR 1226, University Drive in Burlington  
Review of Traffic Impact Analysis (TIA)

Dear Mr. Amenya,

Per your request, this office has reviewed the Traffic Impact Analysis prepared and sealed by Davenport on April 22, 2014 and the Rezoning Site Plan prepared and sealed by Stimmel and Associates on April 30, 2014. Based on the submitted information, we offer the following comments relevant to the impacts to the State maintained highway system.

**General:**

The proposed mixed use development is located on the east side of University Drive south of the intersection of University Drive and US 70, South Church Street. The TIA indicates that the exact land uses for the site are not known but bases the analysis on uses consisting of two (2) banks with drive thru and two (2) fast food restaurants with drive thru. This land use scenario differs from that shown on the rezoning site plan which appears to indicate a pharmacy with drive thru in lieu of one of the fast food restaurants. The assumed land uses indicated in the TIA represent a more conservative approach given that trip generation is larger and is therefore acceptable. Additional analysis may be necessary if land uses change substantially in the future. The site is accessed via a proposed right in- only access (Access 1) and an all-movement driveway (Access

2)creating the fourth leg of the existing signalized intersection of University Drive and the Lowes Shopping Center Entrance. The site is expected to generate an unadjusted daily traffic volume of 5857 VPD upon build out in 2016.

**Required Improvements:**

The following road improvements are required to mitigate anticipated impacts due to site traffic.

**University Drive and Right in-Only Site Access (Access 1) Intersection:**

Provide an exclusive northbound right turn lane on University Drive with 100' of full storage and appropriate deceleration taper.

Modification of this proposed access to accommodate both right in and right out movements is acceptable and would serve to re-direct a portion of right turning vehicles out of the site to reduce westbound traffic demand at Access 2.

**University Drive and Site Access 2/Lowes Shopping Center Entrance Intersection:**

Provide a minimum of 225' of full storage and appropriate tapers in the existing southbound left turn lane on University Drive.

Provide a northbound exclusive right turn lane on University Drive with a minimum of 300' of full storage and appropriate deceleration taper.

Provide a single eastbound ingress lane and two westbound egress lanes consisting of an exclusive left turn lane and a combination through-right lane with a minimum of 300 of full storage.

Modify the existing eastbound right turn lane to a combination through-right turn lane at the Lowes Shopping Center.

Modify the existing traffic signal to accommodate the proposed intersection geometry.

Adjust intersection geometry to provide for appropriate lane alignments across the intersection.

Provide a monolithic island along the full length of the driveway stem to restrict left turns at internal accesses along the stem.

Provide appropriate traffic controls to accommodate free-flow movement of westbound traffic at the internal intersection of the access stem and the internal backage road.



**University Drive and US 70, South Church Street Intersection:**

This office concurs with the TIA recommendation to optimize and coordinate signal timing with the nearby signal at the Lowes Shopping Center/Site Access 2 to improve traffic operation and flow.

**Cross-Access Connectivity:**

Provision of cross access with the adjacent property to the north is strongly recommended to accommodate internal connectivity and improve distribution of existing and future traffic volumes on the adjacent public road network. This is particularly important to minimize future traffic demand at the University Drive and Access2/Lowes Shopping Center Entrance intersection.

**Multi-modal Enhancements:**

Though the TIA does not provide specific recommendations, any stipulated multi-modal enhancements including but not limited to sidewalk, bike lanes, bus pull offs, lighting, landscaping etc... on State maintained routes are subject to NCDOT requirements.

**General Requirements:**

It is necessary to obtain an approved driveway permit and/or encroachment agreement prior to performing work on the NCDOT right of way. As a condition of the permit, the permittee shall be responsible for design and construction of the stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fee, and any necessary performance and indemnity bonds.

The applicant shall dedicate any additional right of way necessary to accommodate the required road improvements or future improvements as stipulated.

Intersection radii and geometry shall be designed to accommodate turning movements of the largest anticipated vehicle.

All pavement markings shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadway.

The permittee shall be responsible for the installation and relocation of any additional highway signs that may be necessary due to these improvements and shall comply with the requirements of the MUTCD.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. N. Edwards Jr.', written in a cursive style.

C. N. Edwards Jr., PE  
District Engineer

Cc: J. M. Mills, PE, Division Engineer  
Dawn Mcpherson, Division Traffic Engineer  
City Burlington

## B-2 - GENERAL BUSINESS DISTRICT

### Uses Permitted as a Matter of Right

Accessory buildings (32.10.A)  
Adult bookstores, video stores (32.10.EE)  
Adult cabarets (32.10.FF)  
Adult motels (32.10.GG)  
Agencies, including but not limited to travel, brokers and insurance  
Agricultural implements heavy machinery sales, repairs or storage  
Agricultural uses (32.10.Y)  
Amusements -- commercial, including but not limited to bowling alleys, roller skating rinks, etc., but NOT including drive-in theaters, commercial stables, auto race tracks, circuses and the like (32.10.M)  
Apothecary shops (32.10.B)  
Athletic fields, recreational buildings, no commercial gain, no automobile or motorcycle racing (32.10.W)  
Auditoriums, in-door theaters, assembly halls  
Automobile:  
Accessory sales  
    Body and fender repair when conducted within completely enclosed building (32.10.C)  
    Laundry, including self-service (32.13.D)  
    Parking lots  
    Repair shops, but not including body and fender repairing except when conducted within a completely enclosed building (32.10.C)  
    Sales, new and used  
    Service stations, NOT including outside storage or used, wrecked, inoperable or dismantled automobiles  
    Tire retreading or recapping 32.10.V) Bakeries,  
bottling works (32.13)  
Bakeries, selling at retail, products produced on the premises (not more than five employees permitted)  
Banks, savings and loans and similar financial institutions  
Boarding houses, rooming houses  
Broadcasting studios -- radio and television  
Carpet, rug, bag cleaning establishments  
Churches, synagogues and the like Cleaners  
and dryers including self-service  
Clubs and lodges, private, no commercial gain  
Colleges, universities -- academic -- and related uses on same unit of property  
Community buildings not for commercial gain  
Dish antennae for reception of space satellite radio signals (32.10.CC)  
Drive-in restaurants  
Drive-in theaters (32.10.F)

Dwellings, attached, multifamily, one owner, one lot (32.4)  
 Dwellings, attached, multifamily; condominiums/townhouses (32.4,  
 32.10.Q and 32.13.M)  
 Electrical shops  
 Exhibition buildings, galleries or show rooms -- private  
 Fences and walls (32.10.G)  
 Flammable liquids or gases, bulk storage in quantities less than 100,000  
 gallons. In B-2, not more than 1,000 gallons may be stored above  
 ground.  
 Flower, plant sales, not enclosed  
 Funeral homes  
 Golf courses, driving ranges, par three and miniature (32.10.H)  
 Golf repair shops (32.10.BB)  
 Home occupations (32.10.1)  
 Home professional offices (32.10.J)  
 Hotels, motels  
 Itinerant merchants (32.10.DD)  
 Laboratories, medical, research  
 Laundries (32.10.K)  
 Laundries, self-service  
 Medical, dental, paramedical offices  
 Night clubs  
 Offices  
 Photographic developing, processing and finishing  
 Physicians', surgeons' and dentists' offices for treatment of human beings  
 Plumbing shops  
 Public buildings, libraries, museums, art galleries and the like  
 Public parks, recreational facilities  
 Public utility facilities -- see Zoning Ordinance (32.10.R)  
 Restaurants, including all eating places except drive-ins, night clubs and  
 Lodges  
 Retail businesses  
 Schools -- non-academic -- commercial, vocational, public or private  
 Service establishments, barber shops, small item repair shops and rental  
 shops  
 Sewing operations -- limit of five employees -- 2,000 square feet of floor  
 space -- located in fire district  
 Sheet metal, roofing shops  
 Signs (32.12)  
 Stores or shops, retail but not automotive sales or repair not otherwise  
 listed herein  
 Swimming pools, community -- non-profit  
 Swimming pools, private (32.10.G.3)  
 Telecommunications towers concealed or camouflaged  
 Telecommunications towers roof top structures and towers attached to  
 structures  
 Temporary buildings incidental to a construction project (must be  
 removed when project is completed

Transportation terminals, passenger and freight  
Travel trailer parks (32.10.N)  
Veterinary establishments (32.10.0)  
Warehouses, sales or service (32.10.P)  
Wholesale establishments (32.10.P)  
Woodworking shops (32.13.0)

### Uses Permitted by Special Use Permit

Child care facilities (32.13.W)  
Dwellings within mixed uses structures (32.13.W)  
Manufacturing -- see Zoning Ordinance  
Motor vehicles towing and storage (32.13.U)  
Open air sales not incidental to the operation of an otherwise permitted use (32.10.X)  
Philanthropic, eleemosynary institutions  
Printing or binding shops  
Storage, outdoor, (32.13.K)  
Storage, petroleum products greater than 100,00 gallons (32.13.L)

### Uses Permitted by Conditional Business Zoning

Cemeteries or mausoleums  
Helistops, heliports  
Hospitals, sanatoria and the like  
Manufacturing (32.13.M)  
Schools -- academic  
Telecommunications towers, free standing structures (32.10.HH & (32.10.RR)  
Unified Business Developments (32.13.QQ)

## O-I - OFFICE –INDUSTITUTIONAL DISTRICT

### Uses Permitted as a Matter of Right

Accessory buildings (32.10.A)  
Agencies, including but not limited to travel, brokers, insurance (32.13.C)  
Agricultural uses (32.10.Y)  
Allied health, including but not limited to therapist, vocational rehabilitation, opticians, dental and medical health personnel, pastoral  
Apothecary shops (32.10.B)  
Athletic fields, recreational buildings, no commercial gain, no automobile or motorcycle racing (32.10.W)  
Automobile parking lots serving permitted uses in same district  
Banks, saving and loans and similar financial institutions  
Boarding and rooming houses (32.22)  
Broadcasting studios, radio, television  
Churches, synagogues and the like  
Colleges and universities -- academic; incidental uses (20 acres)  
Community buildings -- not for commercial gain  
Dish antennae for reception of space satellite radio signals (32.10.CC)  
Dwellings, detached, one family, one owner, one lot (32.10.T)  
Dwellings, detached, one-family condominiums/townhouses (32.10.Q, 32.10.TT and 32.13.M)  
Dwellings, duplex, two-family, one owner, one lot  
Dwellings, duplex, two-family; condominium/townhouses (32.10.Q, 32.10.TT and 32.13.M)  
Dwellings, attached, multifamily; one owner, one lot (32.4)  
Dwellings, attached, multifamily; condominium/townhouses (32.4, 32.10.Q, 32.10.TT and 32.13.M)  
Family care homes (32.10.AA)  
Fences and walls (32.10.G)  
Funeral homes  
Home occupations (32.10.I)  
Home professional offices (32.10.J)  
Laboratories, medical research  
Medical, dental, paramedical offices  
Offices, including but not limited to accountants, attorneys, architects, engineers  
Physicians, surgeons, dentist's offices for treatment of human beings  
Public parks, recreational facilities  
Public buildings and the like  
Public utility facilities -- (32.10.R)  
Signs (32.12)  
Swimming Pools, private (32.10.G.3)  
Telecommunication towers, concealed or camouflaged (32.10.HH and 32.10.RR)

Temporary buildings incidental to a construction project (must be removed when project is completed)  
Tourist home

### Uses Permitted by Special Use Permit

Automobile parking lots  
Automobile parking lots, commercial; may be for monetary gain (32.10.S)  
Child care facilities (32.13.W)  
Clubs and lodges, private, no commercial gain (32.13.E)  
Philanthropic, eleemosynary institutions  
Swimming pools, community, non-profit

### Uses Permitted by Conditional Use

Cemeteries or mausoleums  
Continuing care retirement communities (32.10.SS)  
Helistops  
Hospitals, sanatoria and the like  
Schools -- academic  
Schools -- non-academic

## R-15 – RESIDENTIAL DISTRICT

### Uses Permitted as a Matter of Right

Accessory buildings (32.10.A)  
Agricultural uses (32.10.Y)  
Athletic fields, recreational buildings, no commercial gain, no automobile or motorcycle racing (32.10.W)  
Automobile parking lots serving permitted uses in same district  
Dish antennae for the reception of space satellite radio signals (32.10.CC)  
Dwellings, detached, one family, one owner, one lot (32.10.T)  
Family care homes (32.10.AA)  
Fences and walls (32.10.G)  
Golf courses, except par-tree and miniature courses (32.10.H)  
Guest houses (32.10:II)  
Home occupations (32.10.I)  
Home professional offices (32.10.J)  
Public parks, recreational facilities  
Public utility facilities -- (32.10.R)  
Signs (32.12)  
Swimming pools, private (32.10:G.3)  
Telecommunications towers, concealed or camouflaged (32.10:HH and 32.10.RR)  
Temporary buildings incidental to a construction project (must be removed when project is complete)  
Yard sales (32.10.Z)

### Uses Permitted by Special Use Permit

Child care facilities (32.13.W)  
Churches, synagogues and the like  
Clubs and lodges, private; no commercial gain (32.13.E)  
Community buildings; not for commercial gain  
Dwellings, detached, one family; condominiums/townhouses (32.10.Q, 32.13.M and 32.10.TT)  
Dwellings, duplexes, two families; condominiums/townhouses (32.10.Q, 32.13.M and 32.10.TT)  
Dwellings, attached multifamily; condominiums/townhouses (32.4, 32.13.Q, 32.13.M and 32.10.TT)  
Philanthropic, eleemosynary, institutions  
Public buildings and the like  
Swimming pools, community, non-profit (32.10.0)



## Uses Permitted by Conditional Zoning

Airports, aircraft landing strips  
Broadcasting studios -- radio and television (32.13.S)  
Cemeteries or mausoleums  
Colleges, universities -- academic; incidental uses (20 acres)  
Continuing care retirement communities (32.10.SS)  
Helistops -- see Zoning Ordinance  
Hospitals, sanatoria and the like  
Schools -- academic

## **Staff Report**

Staff is recommending approval based on the fact that the proposed use meets the land use plan for planned community mixed use. (see plan attached) The proposed development will have a mixture of commercial and office use. Although the remaining property to the east is not part of the rezoning it will allow for a single family development or even a multifamily condominium or townhouse development creating a mixed use for the community. Also, this proposed development is consistent with its surroundings in that it is comparable to the development west of University Drive known as “The Shoppes at Waterford”

The site plan has received full approval from the Technical Review Committee and is constant with an approved Traffic Impact Analysis. (TIA)

RECEIVED  
6-12-14  
11:42am  
Ruford

NORTH CAROLINA

ALAMANCE COUNTY

CITY OF BURLINGTON

Pursuant to the provisions of Section 32.19 (D) (3) of the Code of the City of Burlington, 1971, as amended, we, the undersigned property owners, do hereby file this petition of protest in opposition to the following proposed change or amendment to the zoning ordinance of the City of Burlington:

Request for rezoning from R-15 Residential District to CB-Conditional Business District for the use of a Unified Business Development and CO&I Conditional Office and Institutional District for uses specified from the table of permitted uses under Office and Institutional zoning with the exception of boarding houses and veterinary offices. The property is located east of University Drive, south of South Church Street and west of Huffman Lane as shown on Alamance County Plat Book 76, Page 238.

IN WITNESS WHEREOF, we have hereunto affixed our signatures, our addresses, the tax lot number, block number, map number, deed book and page number in the Alamance County Registry of our properties affected by the proposed change or amendment, as shown on the official records of Alamance.

This the June 11<sup>th</sup> day of June, 20 14.

(H) Richard M. O'Bryant

Property Owner -Richard M. O'Bryant  
974 Huffman Lane, Burlington, NC 27215

(W) Barbara M. O'Bryant

Property Owner -Barbara M. O'Bryant

6D	Address 27	3
Lot Number 2764	Block Number 495	Tax Map Number
Deed Book	Page Number	

(H)

**Property Owner** -George D. Williams  
1005 Glenwood Lane, Burlington, NC 27215

(W)

**Property Owner** -Janice R. Williams

6J

Address  
27

3

Lot Number  
2737

Block Number  
864

Tax Map Number

Deed Book

Page Number

(H)

**Property Owner** -Javier I. Gonzalez  
1032 Huffman Lane, Burlington, NC 27215

(W)

**Property Owner** -Regina W. Gonzalez

6K

Address  
27

3

Lot Number  
2572

Block Number  
850

Tax Map Number

Deed Book

Page Number

Abbington Place Townhome Association, Inc.

(H)

**Property Owner**

(W)

**Property Owner**

PO Box 2507, Burlington, NC 27216

87 & 100

Address  
26

3

Lot Number  
2520 100

Block Number  
766

Tax Map Number

Deed Book

Page Number

Abbington Place Townhome Association, Inc.

(H)

**Property Owner**

(W)

**Property Owner**

P.O. Box 2507, Burlington, NC 27216

87&100

Address  
26

3

Lot Number  
2520

Block Number  
766

Tax Map Number

Deed Book

Page Number

(H)

**Property Owner**

(W)

**Property Owner**

Address

Lot Number

Block Number

Tax Map Number

Deed Book

Page Number

(H) Property Owner -George D. Williams (W) Property Owner -Janice R. Williams  
 1005 Glenwood Lane, Burlington, NC 27215

~~6J~~ ~~Address~~ ~~27~~ ~~3~~  
~~Lot Number~~ ~~Block Number~~ ~~Tax Map Number~~  
~~2737~~ ~~864~~  
~~Deed Book~~ ~~Page Number~~

(H) Property Owner -Javier I. Gonzalez (W) Property Owner -Regina W. Gonzalez  
 1032 Huffman Lane, Burlington, NC 27215

~~6K~~ ~~Address~~ ~~27~~ ~~3~~  
~~Lot Number~~ ~~Block Number~~ ~~Tax Map Number~~  
~~2572~~ ~~850~~  
~~Deed Book~~ ~~Page Number~~

(H) Property Owner (W) Property Owner

~~Address~~  
~~Lot Number~~ ~~Block Number~~ ~~Tax Map Number~~  
~~Deed Book~~ ~~Page Number~~  
~~Abbingtion Place Townhome Association, Inc.~~

(H) Property Owner (W) Property Owner  
 P.O. Box 2507, Burlington, NC 27216

~~878100~~ ~~Address~~ ~~26~~  
~~Lot Number~~ ~~Block Number~~ ~~Tax Map Number~~  
~~2520~~ ~~766~~  
~~Deed Book~~ ~~Page Number~~

(H) THOMAS R. HAMILTON (W) JANE HAMILTON  
 Property Owner Property Owner

THOMAS R. HAMILTON JANE HAMILTON  
994 Glenwood Lane Address  
6A 27 Burlington, NC 27215  
~~Lot Number~~ ~~Block Number~~ ~~Tax Map Number~~  
~~449~~ ~~292~~  
~~Deed Book~~ ~~Page Number~~

12 June 2014

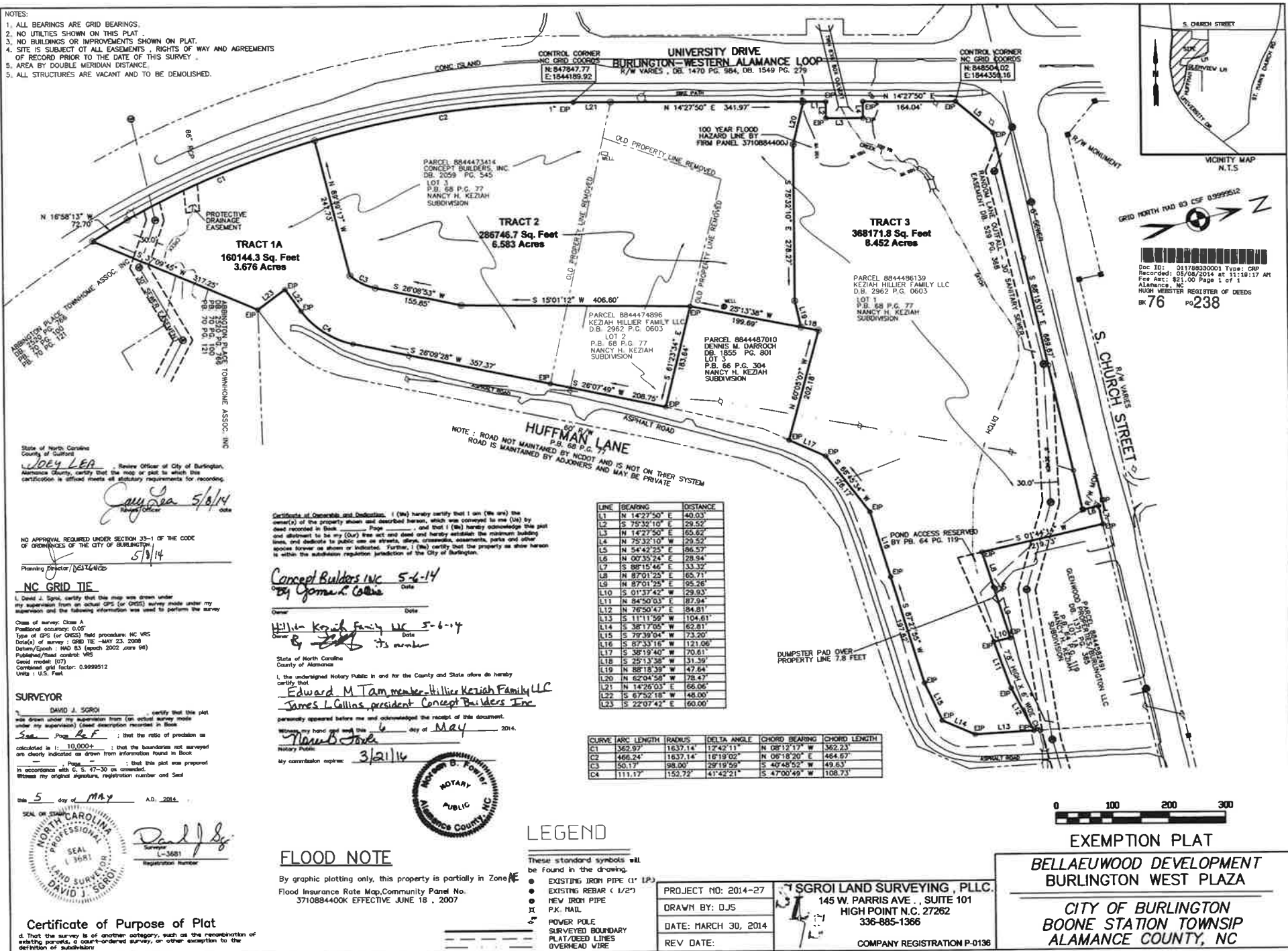
Fax To: 336-584-3991





# NOTES:

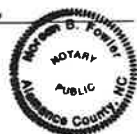
1. ALL BEARINGS ARE GRID BEARINGS.
2. NO UTILITIES SHOWN ON THIS PLAT.
3. NO BUILDINGS OR IMPROVEMENTS SHOWN ON PLAT.
4. SITE IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS SURVEY.
5. AREA BY DOUBLE MERIDIAN DISTANCE.
6. ALL STRUCTURES ARE VACANT AND TO BE DEMOLISHED.



Doc ID: 011789330001 Type: CWP  
Recorded: 05/08/2014 at 11:18:17 AM  
Fee Amt: \$21.00 Page 1 of 1  
Alamance, NC  
HUGH WEBSTER REGISTER OF DEEDS  
BK 76 PG 238

LINE	BEARING	DISTANCE
L1	N 14°27'50" E	40.03'
L2	S 75°32'10" E	29.52'
L3	N 14°27'50" E	65.62'
L4	S 75°32'10" W	29.52'
L5	N 54°42'25" E	86.57'
L6	N 00°35'24" E	28.94'
L7	S 88°15'44" E	133.32'
L8	N 87°01'25" E	65.71'
L9	N 87°01'25" E	95.26'
L10	S 01°37'42" W	29.93'
L11	N 84°50'03" E	87.94'
L12	N 76°50'47" E	84.81'
L13	S 11°11'59" W	104.61'
L14	S 38°17'05" W	62.81'
L15	S 78°39'04" W	73.20'
L16	S 87°33'16" W	121.06'
L17	S 38°19'40" W	70.61'
L18	S 25°13'38" W	31.39'
L19	N 88°18'39" W	47.64'
L20	N 62°04'58" W	78.47'
L21	N 14°26'03" E	66.06'
L22	S 67°52'18" W	48.00'
L23	S 22°07'42" E	60.00'

CURVE ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1 362.97'	1637.14'	124°21'11"	N 06°12'13" W	362.23'
C2 466.24'	1637.14'	16°19'02"	N 06°18'20" E	464.67'
C3 50.17'	98.00'	28°19'59"	S 40°48'52" W	49.63'
C4 111.17'	152.72'	41°42'21"	S 47°00'49" W	108.73'



## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

By graphic plotting only, this property is partially in Zone NE  
Flood Insurance Rate Map/Community Panel No.  
3710894400K EFFECTIVE JUNE 18, 2007

## LEGEND

These standard symbols will be found in the drawing.

- EXISTING IRON PIPE (1" LP)
- EXISTING REBAR (1/2")
- NEW IRON PIPE
- P.K. NAIL
- POWER POLE
- SURVEYED BOUNDARY
- PLAT/DEED LINES
- OVERHEAD WIRE

## FLOOD NOTE

---

---

## MEMORANDUM

---

**TO:** Harold Owen, City Manager

**FROM:** Amy L. Nelson, Director of Planning & Economic Development

**DATE:** July 8, 2014

**SUBJECT:** City Council Agenda – July 15, 2014  
Public Hearing to amend City of Burlington Zoning Ordinance text Sections 32.9, Table of Permitted Uses and 32.13, Special Use Regulations.

---

---

At its meeting on June 23, 2014, the Burlington Planning and Zoning Commission considered amendments to the Zoning Ordinance text Sections 32.9, Table of Permitted Uses and 32.13, Special Use Regulations.

Staff recommended approval of the amendment.

The Commission voted 6 to 1 to recommend approval of the proposed text amendment change.

This matter will be advertised as required for a public hearing before the City Council on July 15, 2014. Please have this item placed on the City Council agenda for that date.

If the Council approves the amendment, the following ordinance should be adopted:

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That Section 32.9 of the Burlington Zoning Ordinance be amended as follows:

Under the “Permitted Uses” column add:

**ANIMAL SERVICES**, daycares, grooming

Under the B-2 General Business, B-3 Central Business, I-1 Planned Industrial, I-1A Planned industrial Residential, I-2 Light Industrial and I-3 heavy Industrial columns add an “S”

Under the “Special Requirements” column add:

See section 32.13.X

Section 2. That Section 32.13 of the Burlington Zoning Ordinance be amended as follows:

**Amend Section 32.13 as follows:**

**Add Section 32.13.X to read as follows:**

X. Animal Services: Animal services shall be defined as a facility designed for the care of animals that includes grooming and doggy day care. Animal grooming and day care services may operate within Unified Business Developments, multi-tenant buildings and free standing buildings subject to the following regulations:

1. Overnight boarding of animals shall not be permitted.
2. Outside play areas for animal day cares shall not be located within 100 feet of any residentially zoned property or property being used as residential.
3. No more than one animal grooming, day care or animal grooming and day care in combination operating as one business shall be allowed within a multi-tenant building.
4. No more than one animal grooming, day care or animal grooming and day care in combination operating as one business shall be permitted within a Unified Business Development.
5. Animal services located within multi-tenant structures shall be soundproofed.
6. Free standing animal services located within 100 feet of property zoned residential or being used as residential shall be soundproofed.
7. Animal services located within the B-3 Central Business District shall be conducted within a completely enclosed building. No outside activity shall be permitted.
8. Animal services located within the I-1 Planned Industrial District and I-1A Planned Industrial-Residential District may retail animal related products only. The retail sales area shall not exceed 20 percent of the floor area.
9. For the purposes of this section, animal services does not include kennels or veterinary establishments

Section 3. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed

Section 4. That this ordinance shall take effect upon passage.

If you have any questions concerning this item, please advise.

ALN/kp

STATEMENT OF CONSISTENCY

The City Council finds that the zoning text amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with current land use practices.

# MEMORANDUM

**To:** Harold Owen  
City Manager

**From:** A. Lanny Rhew, P.E.  
City Engineer

**Date:** July 11, 2014

**Subject:** Public Hearing for Permanent Street Closing of Hensley Street  
From Carriage Loop to the end (200 ft. south)

The City of Burlington has recently received a request to permanently close Hensley Street between Carriage Loop and the end. City staff has reviewed this request and supports this street closing. On June 3<sup>rd</sup>, the City Council of the City of Burlington did declare its intent to permanently close Hensley Street and to call a public hearing on July 15, 2014, pursuant to N.C.G.S., Section 160A-299. The resolution of the intent was published once a week, for 4 consecutive weeks, prior to the hearing date. All adjacent property owners were sent registered mailing of the City's intent.

Please place on the City Council agenda at the July 15, 2014 meeting for a public hearing and consideration of this street closing.

**cc:** Charles Bateman  
City Attorney

Renee Ward  
City Clerk





Proposed Closing  
of Hensley Street

1 inch = 300 feet

City of Burlington  
Hensley Street Closing



**RESOLUTION AND ORDER TO PERMANENTLY CLOSE HENSLEY STREET  
BETWEEN CARRIAGE LOOP TO THE END**

**WHEREAS**, pursuant to North Carolina General Statutes, Section 160A-299, the City Council of the City of Burlington held a public hearing on July 15, 2014, to consider permanently closing Hensley Street between Carriage Loop to the end.

**WHEREAS**, after full consideration of this matter, the City Council does hereby deem it to be in the best interest of the City of Burlington to permanently close Hensley Street between Carriage Loop to the end according to N.C.G.S. 160A-299.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON;**

Sec. 1. That the City Council, after full discussion of this matter at the public hearing held on July 15, 2014, and upon the terms and conditions hereinafter set forth, does hereby order to permanently closing Hensley Street between Carriage Loop to the end and being more particularly described as follows:

Being a certain tract or parcel of land located in Burlington Township, Alamance County, North Carolina, adjoining the David Lynn Blackwell property, Lot 15 of Hunting Hills (current record owner is shown as Wells Fargo Bank NA) and Lot 16 of Hunting Hills (current record owner is shown as Charles D. Trollinger) and being more particularly described as follows:

BEGINNING at a point at the intersection of the southern right of way line of Carriage Loop and the eastern right of way line of Hensley Street; thence with the eastern right of way line of Hensley Street and the western property line of lot 16 Hunting Hills Subdivision, a bearing of S31°24'E for a distance of 200.00 ' to a point in northern property line of the David Lynn Blackwell property; thence with the northern property line of the David Lynn Blackwell property, a bearing of S58°36'W for a distance of 60' to a point in the western right of way line of Hensley Street; thence with the western right of way line of Hensley Street and the eastern property line of lot 15 Hunting Hills Subdivision , a bearing of N31°24'W for a distance of 200.00 ' to a point at the intersection of the southern right of way line of Carriage Loop and the western right of way line of Hensley Street; Thence a calculated course with the southern right of way line of Carriage Loop, a bearing of N58°36'E for a distance of 60' to a point, the point and place of beginning.

Containing 12,000 sf+- as calculated from the plat of Hunting Hills Subdivision (PB. 17 P. 41)

No actual field survey was performed; this description was prepared from bearings and distances shown or calculated from the plat of Hunting Hills Subdivision (PB. 17 P. 41)

- Sec. 2. That the City does hereby reserve any and all, if any, existing water and sewer easements on the foregoing described property.
- Sec. 3. That notice of said public hearing was published on June 12, 19, 26 and July 2, 2014.
- Sec. 4. That a copy of this resolution and order shall be mailed to all owners of the property abutting said street as more particularly described above.
- Sec. 5. That a notice of this closing was prominently displayed and posted in at least two places along said streets.
- Sec. 6. That the North Carolina State Highway Commission has not accepted any portion of said alleyway for maintenance.
- Sec. 7. That after full consideration of this matter at said public hearing, it appears to the satisfaction of the City Council of the City of Burlington to permanently close Hensley Street between Carriage Loop to the end and that no person owning property in the vicinity of said existing street will be deprived of reasonable means of ingress and egress to his property.
- Sec. 8. That this resolution and order closing the above-described street shall be made effective as of the adoption of this resolution and order.
- Sec. 9. That a copy of this resolution and order shall be filed in the office of the Register of Deeds for Alamance County, North Carolina.
- Sec. 10. That this resolution shall take effect upon passage.

**STATE OF NORTH CAROLINA**

**CITY OF BURLINGTON**

**AGREEMENT**

This AGREEMENT, made and entered into this \_\_\_\_ day of July \_\_\_\_\_ 2014, by and between CS CAROLINA, INC. (hereinafter sometimes referred to as the “Company”), CS AMERICA, INC. (hereinafter sometimes referred to as the “Parent”), SLINGSHOT, LLC (hereinafter sometimes referred to as the “Landlord”) and the CITY OF BURLINGTON, a North Carolina municipal Corporation (hereinafter sometimes referred to as “City”).

**WITNESSETH**

**WHEREAS**, the Company and entities affiliated with the Company including CS America, Inc. are considering the construction of leasehold improvements and acquisition and installation of machinery and equipment for a manufacturing facility in the City of Burlington pursuant to a lease agreement (the “Lease”) with SLINGSHOT, LLC, AS Landlord, in the amount of \$7,100,000.00 of new taxable investment; and

**WHEREAS**, said facility will create not less than twenty-two (22) new full time employment positions not later than December 31, 2016, with said employees having an annual average wage of not less than \$35,100.00; and

**WHEREAS**, the City finds that in order to aid and encourage the construction of the leasehold improvements and installation of the machinery and equipment in Burlington, Alamance County, North Carolina, and the creation of 22 new jobs, it is necessary and desirable to assist and reimburse the Company for a portion of its construction costs and new equipment costs; and

**WHEREAS**, pursuant to G.S. Section 160A-20.1, 158-7.1, and 158- 7.2, as construed by the North Carolina Supreme Court in its opinion in Maready v. The City of Winston-Salem, et al, 342 N.C.708 (1996), the City may enter into an agreement with the Company in connection therewith; and

**WHEREAS**, the City finds that reimbursing the Company for a portion of its construction and equipment costs will increase the taxable property base for the City of Burlington and help create not less than 22 new fulltime jobs in the City by the end of 2016, all of which will result in an added and valued benefit to the taxpayers of Burlington;

**NOW, THEREFORE**, for valuable consideration and the mutual covenants exchanged between the parties hereto, it is agreed as follows:

1. To assist the Company in its leasehold improvements, facility up fit, and machinery and equipment installations, and subject to the requirements hereinafter set forth, the City agrees to award a grant to reimburse the Company for a portion of said construction and installation costs in the amount of two per cent of the total taxable investment in the project in place as of the end of the taxable year within which a certificate of occupancy is issued for the facility. Said payments shall be made in installments as hereinafter provided. Payments shall be contingent upon and subject to the Company maintaining not less than 22 full time employees at this location. In the performance of all activities involved in the facility construction, as well as in the machinery installation, the Company shall have full discretion to make all decisions regarding such improvements and contracting and purchasing without the joinder or approval of the City except for the requirements set forth in Paragraph 7 below. Said improvements are being contracted by Company and shall not require the Company to comply with any public bidding procedures or requests for proposals.

2. During the performance of the Agreement, the Company agrees to allow the City to enter upon its property during normal business hours upon forty-eight hours prior notice for the purpose of evaluating the new construction and the purchase of new equipment. City agrees to protect, and not use or disclose, any of the Company's confidential and proprietary information. Any representative of the City entering the premises for this purpose shall execute such confidentiality agreement as may be required by the Company from time to time.

3. If for any reason whatsoever the Company chooses not to make the above referenced investments and to cancel this Agreement, it may do so without penalty or liability by providing written notice to the City. Upon such notification, this Agreement shall be cancelled and all of its terms and conditions shall become void. Failure to proceed with construction within thirty six months of the date of this agreement shall constitute an abandonment of the project unless this agreement has been extended by the Parties.

4. Payments from the City to the Company shall be made as follows:

(a) The total grant amount shall be determined at the end of the calendar year within which the certificate of occupancy is issued for the structure by multiplying the total sum of the additional assessed valuation of the property (real and personal) which the company or the Landlord has listed with the tax assessor for Alamance County and upon which the Company's liability for ad valorem taxes at that site is computed by two per cent (2%). The resulting sum shall constitute the initial grant determination. The result so obtained shall be paid to the company in four equal annual installments with the first such installment due and payable within thirty (30) days from the date that the grant amount is determined and an equal amount due annually for three successive years on the date of such payment so long as eligibility is maintained as hereinafter set forth.

(b) As set forth above, all payments hereunder are contingent and subject to the Company maintaining not less than twenty two full time employees at this site

on and after December 31, 2016. Company acknowledges that it is the City's policy to encourage companies receiving economic assistance to the extent practical, seek employees from the Alamance County area.

5. All payments provided for in the preceding paragraph shall be made no later than thirty (30) calendar days after satisfaction of the requirements set forth in the preceding paragraph. All payments are subject to the requirement that not less than 22 full time jobs shall be maintained by the Company at this facility. The Company's sole liability and responsibility, and the City's sole remedy, for Company's failure to make any proposed investment or job creation shall be the discontinuance of the payments set forth in Section

4. Upon discontinuance of payments for a failure to maintain employment levels, no future payments shall be due.

6. The Company agrees to make full and accurate accounting to the City of all expenditures and construction and acquisition of equipment referenced above as required by this Agreement during the period of construction and investment and until the completion of total investment. The Company shall make such accountings as are necessary to verify construction and purchase of equipment and after such construction and purchase of equipment has been verified, the Company shall have no further obligations to account to the City for any other expenses incurred. To the extent that any information provided by the Company constitutes a confidential trade secret, the City will protect against the disclosure of any such information as is required by the trade secrets exception within the public records law.

7. The Company shall not in accordance with law discriminate against any person on the grounds of race, color, national origin, sex, age, or disability in the administration of this Agreement nor shall any person be excluded from participation in, or be denied the benefits of, any project constructed under this Agreement on the grounds of race, color, national origin, sex, age, or disability.

8. The laws of the State of North Carolina shall control and govern this Agreement. Any controversy or claim arising out of this Agreement shall be settled by an action initiated in the appropriate division of the General Court of Justice in Alamance County, North Carolina, or such other venue as may be ordered by a Court of competent jurisdiction.

9. The City and Company respectively bind themselves, their successors, assigns, and legal representatives to the other parties hereto and those parties' successors, assigns, and legal representatives, in respect to covenants, agreements, and obligations contained herein. No party to this Agreement shall assign the Agreement or any of the obligations or rights described herein without written consent of the other. If either party attempts to make such an assignment without such consent, that party shall nevertheless remain legally responsible for all obligations under the Agreement provided, however, that the Company may, without the consent of the City, assign this Agreement to a subsidiary, parent or affiliated company.

10. This contract may be modified only by a written agreement executed by both parties hereto. The contractual commitments provided for herein and made by the parties hereto shall be deemed to continue into the future, survive and remain binding upon future elected and appointed officials to the full extent permitted under applicable law.

11. In the event of such cancellation of the Agreement described in Paragraph 3 hereof, the City shall have no further obligations to make any further payments as called for in this Agreement.

12. The provisions of this Agreement, as a continuing contract pursuant to N.C.G.S. 160A-17, shall inure to the benefit of and are binding upon the City and the Company and their respective successors and assigns, notwithstanding changes in corporate or other governance. The parties and each person executing this Agreement on behalf thereof represent and warrant that they have the full right and authority to enter into this Agreement, which is binding, and to sign on behalf of the party indicated, and are acting on behalf of themselves, the constituent members and the successors and assigns of each of them. The parties agree to reasonably assist one another and cooperate in the defense (should any defense ever be necessary) of this Agreement and/or the incentives granted hereunder, so as to support and in no way undercut the same. In the event that any of the incentives or other assignments of the City are determined to be invalid, the City agrees that it will, to the fullest extent permitted by law, provide the Company with any permitted incentives of substantial equal value pursuant to one more or more replacement incentive grant programs.

13. Omitted intentionally.

14. This agreement sets forth the entire agreement between the City and the Company and supersedes any and all other agreements on this subject between the parties.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Agreement as of the day and year first above written.

CS CAROLINA, INC.

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CS AMERICA, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

SLINGSHOT, LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTESTED TO

CITY OF BURLINGTON

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
\_\_\_\_\_,  
Ronnie Wall, Mayor

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE MANNER REQUIRED BY  
THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

\_\_\_\_\_  
Peggy Reece, Finance Director      Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney      Date:



TO: City Clerk Renee Ward

FROM: Angie Ball

RE: Street Closing

The Rusted Bucket will be holding its 4<sup>th</sup> Annual Beer-b-que on September 27, 2014, and I would like to request closing the following streets:

Davis Street from Spring Street to Worth Street  
Main Street from Maple Avenue to Front Street

I would like to close the streets beginning at 8:00am for setup of vendors, stage, kids inflatable slides and bouncy house, food, etc., until 12 midnight in order to breakdown and clean up.

The event for the public will begin at 12:00pm to 10:00pm.

Please know that I am in the process of completing the City's Special Event policy application and will be meeting all requirements including the insurance requirements to Ms. Lisa Wolff.

Thank you in advance for allowing me to again host the annual Beer-b-que, it continues to get bigger and bigger each year and I hope it becomes one of the largest events that citizens will look forward to attending every year. Proceeds will again be going to the Alamance County Sertoma Club to assist kids and the elderly with hearing health.

Sincerely,

Angie Ball  
336-675-6811



## INTEROFFICE MEMO

City of Burlington  
Water Resources Department  
1302 Belmont Street  
Burlington, NC 27215

P: 336.222. 5133

[www.BurlingtonNC.gov/Utilities](http://www.BurlingtonNC.gov/Utilities)

F: 336.570.6175

**Date:** July 14, 2014

**To:** Harold Owen, City Manager

Peggy Reece, Director of Finance & Risk Management

**From:** Robert C. Patterson, Jr., PE, Water Resources Director *RCP*

**RE:** Budget Amendment – Amendment 2 to Kimley-Horn and Associates Contract for Professional Services: Haw River Parallel Interceptor

---

In March, 2009 the City contracted with Kimley-Horn and Associates, Inc. to design replacement of a portion (approximately 3,600 linear feet of a total of nearly 12,000 linear feet) of 42" diameter gravity sewer main known as the Haw River Interceptor. This was one of several projects the City submitted for American Recovery and Reinvestment Act (ARRA) funding; however the project did not receive funding.

Kimley-Horn's original contract for design and preparing ARRA applications was for \$158,700 of which a total of \$115,999.36 was utilized. The original purchase order was closed and the unused balance reverted to reserves (approximately \$42,700 unspent). Earlier this year, this contract was reactivated and at the March 4, 2014 meeting, City Council approved Amendment 1 for an additional amount of \$24,500 (plus the previously unspent \$42,700). This was Kimley-Horn's estimate to review and the original design and contract documents, review alternative layout and pipe materials, and to determine status of permitting and wetland, stream, and other delineations, and to update plans and resubmit applications where needed.

During this review it was noted by City staff that a critical 15" diameter aerial crossing connecting to the 42" diameter interceptor should be replaced at the time the 42" interceptor was being replaced requiring additional field survey, geotechnical and design work beyond the scope of Amendment 1. This work totaled \$35,013.

Though City Engineering Department staff will handle the bulk of the project administration and construction inspection, it is anticipated that it will be necessary to supplement staff efforts with work by Kimley-Horn regarding Construction Administration. It is anticipated that this work will not exceed \$50,000.

**I request approval of Amendment 2 to the Contract for Professional Services between the City and Kimley-Horn and Associates for the Haw River Interceptor for additional field and design work and Construction Administration and a budget amendment in the amount of \$85,013 be placed on the agenda for the July 15, 2014 City Council Meeting .**

Please let me know if you need any additional information.

Copy: Lanny Rhew, PE, City Engineer  
Michael Layne, PE Water & Sewer Field Operations Manager  
Brad Bullis, Senior Accountant





June 20, 2014

Mr. Bob Patterson, PE  
City of Burlington  
Department of Water Resources  
1302 Belmont Street  
Burlington, NC 27215

Re: **One Page Summary: Design, Environmental Permitting, and Limited Bid Phase Services**  
**Haw River Parallel Interceptor Project**  
**KHA Project No. 011456018**

Dear Bob:

As requested, the following is a one page summary of the services that are beyond the original Purchase Order Amount of \$67,200 that included due diligence work, writing a Preliminary Engineering Report, and Preliminary Design and Environmental Services. The following is a basic description of the additional services and budget that will be brought to the next Council Meeting.

**Design and Permitting Service (Lump Sum):**

- Survey of the 15" Sewer Alignment (*Sub Consultant: Cooper and Associates, Surveyors, PA*): \$1,863
- Geotechnical Services for the additional 15" Sewer Alignment (*Sub Consultant: Falcon Engineering: \$4,830*)
- Environmental associated with the 15" Sewer Alignment, 12" Access Path, and Cleaning up Emergency Repair: \$9,500
- Design and updating drawings based on Alignment Revision: Review shop drawings if requested by the City; \$8,000
- Design Review and Value Engineering; (*Sub Consultant: K.F.Carter Engineering Services; \$5,750*)

Total Lump Sum: \$29,943

**Bid Phase Services (Cost Plus Max):**

- Assist with Bid (Review Agenda, Analyze Bids, etc.); \$1,000
- Assist with Addendum; Answer Contractor Questions, Revise drawings and Project Manual; \$2,000
- Assist with Addendum: (*Sub Consultant: K.F.Carter Engineering Services; \$2,070*).

Total Hourly Max: \$5,070

**This work includes a both lump sum tasks and an hourly basis with a not to exceed amount of a total of \$35,013 unless approved by the City.**

Please advise if you have any questions.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**

Jeffrey J. Wing, PE LEED AP

Cc: KHA File



June 20, 2014

Mr. Bob Patterson, PE  
City of Burlington  
Department of Water Resources  
1302 Belmont Street  
Burlington, NC 27215

Re: **One Page Summary: Construction Administration Services**  
**Haw River Parallel Interceptor Project**  
**KHA Project No. 011456018**

Dear Bob:

As requested, the following is a one page summary of the Construction Phase Services that includes a basic description and budget that will be brought to the next Council Meeting.

The Construction Administration on the Haw River Project will be led by the City of Burlington, however, Kimley-Horn will provide supplemental services as follows.

- Attend One Pre-Construction meeting;
- Review shop drawings if requested by the City;
- Attend seven Monthly Progress meetings;
- Site visits, which coincide with the Monthly Progress Meetings;
- Address RFI's and Change Orders if the City requires additional assistance;
- Attend final walk through and note deficiencies (City will formalize punch list);
- Record Drawings (profiles also updated).

The City will perform the following services and all Construction Observation work.

- Shop Drawing Review;
- Monthly pay estimates;
- Lead on RFI's and Change Order Reviews;
- Prepare punch list.

**This work will be performed on an hourly basis with a not to exceed amount of \$50,000 unless approved by the City.**

Please advise if you have any questions.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read "Jeffrey J. Wing".

Jeffrey J. Wing, PE LEED AP

Cc: KHA File

# **INTEROFFICE MEMORANDUM**

## **FINANCE & RISK MANAGEMENT DEPARTMENT**

---

**TO:** Mr. Harold T. Owen, City Manager  
**FROM:** Peggy Reece, Director of Finance & Risk Management  
**SUBJECT:** Budget Amendment 2015-3 - Haw River Interceptor Amendment 2  
**DATE:** July 8, 2014

Attached is a copy of a memorandum from Bob Patterson, PE, Water Resources Director, requesting a budget amendment for the cost of professional services relating to the replacement of a 15" diameter aerial crossing.

In March 2009, the City contracted with Kimley - Horn and Associates for design replacement of the 42" diameter Haw River Interceptor. This was one of the many projects submitted by the City for funding by the American Recovery and Reinvestment Act, the project did not receive funding. Due to permitting and regulatory changes since the 2009 agreement, City Council approved Amendment 1 with Kimley - Horn and Associates on March 4, 2014 which reactivated the contract. After approval of Amendment 1, it was noted by City staff that replacing both the 15" aerial crossing and the 42" interceptor at the same time would be a more viable solution.

A budget amendment is being requested in the amount of \$85,013 (\$35,013 in design and surveying fees plus \$50,000 in construction/project administration fees).

Please ask the City Council to amend the 2014-2015 Budget at its March 4<sup>th</sup> meeting as follows (Please note: This amendment coincides with Phase I of the Haw River Intercept replacement Project.)

### BA2015-3

#### Increase Revenues:

030-39398-0000 Appropriated Fund Balance	\$85,013
--	----------

#### Increase Expenditures:

030-75705-1900 Professional Services	\$85,013
--------------------------------------	----------

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Michael Layne, PE, Water & Sewer Field Operations Manager  
Bob Patterson, PE, Water Resources Director  
Lanny Rhew, PE, City Engineer  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk





## INTEROFFICE MEMO

City of Burlington  
Water Resources Department  
1302 Belmont Street  
Burlington, NC 27215

P: 336.222. 5133

[www.BurlingtonNC.gov/Utilities](http://www.BurlingtonNC.gov/Utilities)

F: 336.570.6175

**Date:** July 8, 2014

**To:** Harold Owen, City Manager

Peggy Reece, Director of Finance & Risk Management

**From:** Robert C. Patterson, Jr., PE, Water Resources Director *RCP*

**RE:** Contract Award & Budget Amendment – Haw River Interceptor Replacement – Phase 1

---

The Engineering Department opened bids for Phase 1 the Haw River Interceptor Replacement Project on June 26, 2014. This project involves the replacement of approximately 3,500 feet of 42" diameter gravity sewer and approximately 420 feet of 16" diameter gravity sewer line.

Four bids were received. The lowest bid received was from Park Construction of NC, Inc., Morrisville, NC. Their base bid was \$2,779,313.13.00 plus reimbursable sales tax in the amount of \$81,8650.00 for a total contract of \$2,861,178.13. A summary of bids received is included on the second page of this memo.

The Engineering Department has recommended award of the contract to Park Construction of NC, Inc, and I concur.

Funds in the amount of \$2,500,000 based on preliminary construction estimates were budgeted for this project in the FY 14-15 budget. Final estimates including the addition of the 16" line replacement were not available until after the City budgeting process.

A budget amendment of an additional \$361,178.13 is requested to fully fund this project.

**I request approval of the budget amendment for \$361,178.13 and consideration of award of the contract in the amount of \$2,861,178.13 for the Little Alamance Creek Outfall Sewer Rehabilitation project be placed on the agenda for the July 15, 2014 City Council Meeting.**

Please let me know if you need any additional information.



Bid Summary: 42" dia. Haw River Interceptor, Phase 1				Bids Opened 06/26/2014 at 2:00 PM	
Bidder	License No.	Bid Bond	Base Bid Amount	Eligible Sales Tax	Contract Total
Park Construction of NC, Inc. Morrisville, NC	61200	5 %	\$ 2,779,313.13	\$ 81,865.00	\$ 2,861,178.13
Moffat Pipe, Inc. Wake Forest, NC	54906	5 %	\$ 3,914,040.00	\$ 89,003.34	\$ 4,003,043.34
T.A. Loving Company Goldsboro, NC	325	5 %	\$ 4,471,903.00	\$ 78,680.00	\$ 4,550,583.00
Hall Contracting Corporation Charlotte, NC	5689	5 %	\$ 5,535,645.00	\$ 71,030.00	\$ 5,606,675.00
J.F.Wilkerson Contracting Co., Inc. Morrisville, NC	4499	Discrepancy with Bid Bond did not read bid			

Copy: Lanny Rhew, PE, City Engineer  
Michael Layne, PE, Water & Sewer Operations Manager  
Brad Bullis, Senior Accountant



**City of Burlington, NC  
Engineering Department  
425 S Lexington Ave  
Burlington, NC 27215  
(336) 222-5050**

<b>Project Name</b>	<b>HAW RIVER INTERCEPTOR PHASE 1</b>
<b>Project/Drawing No.</b>	<b>4277-14</b>
<b>Project Location</b>	<b>EAST WASTEWATER TREATMENT PLANT TO RIVERSIDE DR</b>
<b>Type of Improvement</b>	<b>SANITARY SEWER IMPROVEMENT</b>
<b>Bid Opening Date:</b>	<b>2:00 pm Thursday, June 26, 2014</b>
<b>Date of Availability</b>	<b>August 4, 2014</b>
<b>Completion Date</b>	<b>May 1, 2015</b>
<b>Contractor Name</b>	<b>Park Construction of NC. Inc.</b>
<b>Contractor Address</b>	<b>PO Box 500 416 Airport Blvd</b>
<b>City, State Zip</b>	<b>Morrisville, NC 27560</b>
<b>Contractor License No.</b>	<b>61200</b>
	<b>Unlimited</b>
<b>Classification</b>	<b>PU</b>

**Project Summary - Construction Services**

<b>Project Advertized</b>	<b>June 9, 2014</b>
<b>Bids Opened</b>	<b>June 26, 2014</b>
<b>Date of Award</b>	<b>July 15, 2014</b>
<b>Low Bid Amount</b>	<b>\$ 2,861,178.13</b>
<b>Construction Period</b>	<b>240 Consecutive Calendar Days to Substantial Completion</b>
	<b>270 Consecutive Calendar Days to Final Completion</b>
<b>Anticipated Date of Availability</b>	<b>August 4, 2014</b>
<b>Anticipated Date of Final Completion</b>	<b>May 1, 2015</b>

**INTERCEPTOR CONSTRUCTION:** Includes furnishing and installing approximately 180-feet of new aerial pipe bridge, bridge structure, and concrete foundations for the support of a new 42-inch interceptor, approximately 3,500 feet of 42-inch interceptor, 420 feet of 16-inch interceptor. Services also shall include, but not limited to, clearing and grubbing, earthwork, access roads, fencing, sedimentation and erosion control, new precast concrete manholes, surface and stream bank restoration, bypass pumping, the demolition of the existing 42-inch and 15-inch interceptors, existing aerial bridge and structures, and cast-in-place manholes, and all associated appurtenances.

# ***INTEROFFICE MEMORANDUM***

## ***FINANCE & RISK MANAGEMENT DEPARTMENT***

---

**TO:** Mr. Harold T. Owen, City Manager

**FROM:** Peggy Reece, Director of Finance & Risk Management

**SUBJECT:** Budget Amendment 2015-2 - Haw River Interceptor Phase 1

**DATE:** July 8, 2014

Attached is a copy of a memorandum from Bob Patterson, PE, Water Resources Director, requesting a budget amendment for the cost of construction relating to the replacement of 3,500 linear feet of 42" diameter gravity sewer line and approximately 420 feet of 16" diameter sewer line.

A budget amendment is being requested in the amount of \$361,179 (\$2,861,179 the lowest contract bid amount less \$2,500,000 included in the original 2014-15 budget).

Please ask the City Council to amend the 2014-2015 Budget at its July 15<sup>th</sup> meeting as follows (Please note: This amendment is contingent upon the Council awarding the contract to Park Construction of NC for Phase I of the Haw River Interceptor replacement project at its July 15<sup>th</sup> meeting.)

### BA2015-2

#### Increase Revenues:

030-39398-0000 Appropriated Fund Balance	\$361,179
--	-----------

#### Increase Expenditures:

030-75705-7500 Construction in Progress	\$361,179
---	-----------

Attachment

cc: Hal Hayes, Purchasing/Facilities Manager  
Frank Hope, Director of Administrative Services  
Michael Layne, PE, Water & Sewer Field Operations Manager  
Bob Patterson, PE, Water Resources Director  
Lanny Rhew, PE, City Engineer  
Renee Ward, Administrative Manager/City Clerk  
Beverly Smith, Deputy City Clerk